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# Office of Special Programs

## Overview

The Kentucky Transportation Cabinet (KYTC) has established the Office of Special Programs to coordinate several federally funded transportation improvement programs. Transportation Enhancements, Safe Routes to School, Congestion Mitigation & Air Quality (CMAQ), and Scenic Byway Programs are federal reimbursement programs, not grant programs. The Transportation Enhancements (TE) Program funds twelve types of transportation-related activities that are designed to strengthen the cultural, aesthetic, historic, and environmental aspects of our transportation infrastructure. TE was first funded through the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. Federal legislation has continued to support TE funding. The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) was passed in 1998 and the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted in 2005 to continue to provide financial support for TE.

The Safe Routes to School (SRTS) Program resulted from the passage of the SAFETEA-LU legislation. SRTS encourages youth and their families to choose walking, cycling, and other active ways to get to and from school by funding several types of infrastructure and non-infrastructure projects. The Congestion Mitigation and Air Quality (CMAQ) Program was also established by ISTEA and continued through TEA-21 and SAFETEA-LU. CMAQ is concerned primarily with reducing emissions in designated areas of the United States. The Scenic Byways & Highways Program focuses on designating roads as scenic on the state level and facilitating opportunities for these state Scenic Byways or Highways to apply at the national level for designation and project funding. Kentucky has 30 state and national Scenic Byways and Highways.

The OSP also includes a Bicycle and Pedestrian Coordinator who is responsible for working with several different agencies and constituents to educate the public about bicycle paths and pedestrian walkways and to encourage safety on roadways. Additionally, the Tourist Signage Program are administered by the OSP. The Tourist Signage Programs were established to benefit the traveling motorists by providing directional guidance to attractions, while improving local economies through increased tourism. Signage is an integral part of Kentucky's transportation system, with a primary purpose of guiding motorists to the desired destinations safely and effectively. The programs provide a means for local governments to productively utilize the state's highway network to encourage motorists to visit attractions in their communities.

## ABBREVIATION GUIDE

<b>AASHTO</b>	American Association of State Highway & Transportation Officials
<b>ADA</b>	Americans with Disabilities Act of 1990
<b>ADD</b>	Area Development District
<b>SBAC</b>	Scenic Byways Advisory Committee
<b>CMAQ</b>	Congestion Mitigation & Air Quality
<b>CO</b>	Carbon Monoxide
<b>C&amp;R</b>	Cultural and Recreational
<b>CVB</b>	Convention & Visitor's Bureau
<b>DAQ</b>	Division of Air Quality
<b>DEA</b>	Division of Environmental Analysis
<b>DBE</b>	Disadvantaged Business Enterprise
<b>EPA</b>	Environmental Protection Agency
<b>EPPC</b>	Environmental and Public Protection Cabinet
<b>FHWA</b>	Federal Highway Administration
<b>GOLD</b>	Governor's Office for Local Development
<b>HOV</b>	High Occupancy Vehicle
<b>ISTEA</b>	Intermodal Surface Transportation Equity Act of 1991
<b>KAR</b>	Kentucky Administrative Regulations
<b>KRS</b>	Kentucky Revised Statutes
<b>KYTC</b>	Kentucky Transportation Cabinet
<b>LSGS</b>	Limited Supplemental Guide Sign
<b>MPO</b>	Metropolitan Planning Organization
<b>MUTCD</b>	Manual of Uniform Traffic Control Devices
<b>NAAQS</b>	National Ambient Air Quality Standards
<b>NEPA</b>	National Environmental Policy Act
<b>NTEC</b>	National Transportation Enhancements Clearinghouse
<b>OSP</b>	Office of Special Programs
<b>PM</b>	Particulate Matter
<b>SAFETEA-LU</b>	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
<b>SBAC</b>	Scenic Byways Advisory Committee
<b>SEKTD</b>	Southern & Eastern Kentucky Tourism Development Association
<b>SOV</b>	Single Occupancy Vehicle
<b>SRTS</b>	Safe Routes to School
<b>STIP</b>	Statewide Transportation Improvement Plan
<b>TE</b>	Transportation Enhancements
<b>TEA-21</b>	Transportation Equity Act for the 21 <sup>st</sup> Century of 1998
<b>TEAC</b>	Transportation Enhancements Advisory Committee
<b>TIP</b>	Transportation Improvement Plan
<b>TTIC</b>	Transportation Tourism Interagency Committee
<b>VMT</b>	Vehicles Miles Traveled
<b>VTW</b>	Visitor, Tourist, or Welcome Center



## TRANSPORTATION ENHANCEMENTS

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## Overview

Transportation Enhancements (TE) are transportation-related activities that are designed to strengthen the cultural, aesthetic, historic, and environmental aspects of our transportation infrastructure. The TE program provides for the implementation of a variety of nontraditional projects, with examples ranging from the restoration of historic transportation facilities to construction of bike and pedestrian facilities, landscaping and scenic beautification, and the mitigation of water pollution from highway runoff. The establishment of this program offers broad opportunities and federal dollars to undertake unique and creative actions to integrate transportation into our communities and environment. TE activities must relate to the intermodal surface transportation system in function, proximity, or impact.

The TE program is a reimbursement program, not a grant program. Your proposed project must be selected, approved, programmed, and contracted with the Kentucky Transportation Cabinet (KYTC) prior to the expenditure of any funds.

## Eligibility

The only applicants eligible for this funding are state and local government agencies. Projects are to serve a public purpose in perpetuity, and the facilities and/or services provided are to be on a nonprofit basis. Projects by nonprofit organizations are to be in partnership with a government sponsor (state or local government agency) in order to receive funding. **All arrangements for funding and long-term maintenance should be made prior to programming of TE funds.**

## Eligible Activities

At a minimum, all projects shall meet both of the following requirements to be considered for selection:

### Relationship to Surface Transportation

The applicant shall establish how the project relates to the surface transportation system. Surface transportation has been interpreted to mean all elements of the intermodal transportation system, exclusive of aviation and military transportation. For purposes of TE eligibility, surface transportation includes canals as surface transportation. The required relationship must be one of function, proximity, and/or impact. Therefore, all project applications will identify:

- Location of the project in reference to specific highways, railroads, or canals
- Purpose of the project
- Impact the project may have on the transportation system
- Other parameters that establish this relationship

Proximity to a highway or transportation facility alone is not sufficient to establish a relationship to surface transportation. A project may relate to surface transportation

without having a current or past transportation function. For example, a scenic or historic site may have a strong relationship to surface transportation but not function as a transportation facility.



Grand Rivers walking trail and jetty

A project application that does not include a clearly written explanation of the project's relationship to surface transportation shall be deemed ineligible for selection.

### Twelve Eligible Categories

A project application shall meet the requirements of at least one of the following twelve categories to be considered for TE funding. If projects meet the requirements of more than one eligible category, applicants should identify primary and secondary categories. TE projects may be stand-alone projects or integral parts of larger projects.

- Pedestrian and bicycle facilities
- Pedestrian and bicyclist safety and education
- Acquisition of scenic or historic easements & sites, including battlefields
- Scenic or historic highway programs
- Landscaping and scenic beautification
- Historic preservation
- Historic transportation buildings
- Rail corridor preservation
- Inventory, control, and removal of outdoor advertising
- Archaeological planning and research
- Environmental mitigation
- Transportation museums

### I. Pedestrian & Bicycle Facilities

The transportation relationship for projects in this category is to provide facilities that encourage non-motorized transportation.

Building new facilities and improving existing ones to improve the transportation system for pedestrians and bicyclists are eligible for TE funding. Such projects would

encourage healthful physical activity, provide safe accommodation, or enhance aesthetic routing or design.

These facilities, such as the following, would provide connectivity between distinct origin and destination points, such as residential, recreational, commercial, historic, and educational development. Projects do not need to be located on federal-aid highway routes.

### Eligible Activities

- Bicycle-lane striping
- Bicycle lockers
- Bicycle parking and bus racks
- Bicycle racks
- Bicycle trails
- Crosswalks
- Curb ramps
- Pavement of existing shoulders along a designated bicycle route
- Shared-use paths (e.g., pedestrian/bicycle trail)
- Sidewalks
- Streetscape (primary purpose for pedestrian use)

Ancillary facilities not related to a streetscape project, such as the following, are also eligible but shall not exceed 15 percent of the total cost of a project.

### Ancillary Activities

- Information kiosks
- Landscaping
- Lighting
- Public restrooms
- Rest Areas
- Showers
- Signs\*, guidebooks, and maps
- Street furniture
- Vehicular parking directly related to a bicycle/pedestrian facility
- Water fountains

\* Signing shall comply with the Manual of Uniform Traffic Control Devices (MUTCD)

### Ineligible Activities

- Facilities used as an incidental part of new transportation projects to accommodate routine use by pedestrians and bicycles (e.g., sidewalks, wide curb lanes, required curb ramps, and paved shoulders)
- Isolated recreational or loop and rails that do not connect multiple land uses

The majority of project expenses shall cover the design, right-of-way acquisition, and construction phases of projects. Routing maintenance projects for existing facilities are not eligible; however, maintenance responsibilities and funding sources shall be identified within the applications. The American Association of State Roadway and Transportation Officials (AASHTO) standards for pedestrian and bicycle facilities shall be followed. Sidewalks shall be a minimum of five (5) feet wide where possible, and shared-use paths shall be a minimum of ten (10) feet wide.

All projects must be compliant with the Americans with Disabilities Act (ADA) requirements.

Streetscape improvements for historic districts shall be in compliance with [\*Kentucky Streetscape Design Guidelines for Historic Commercial Districts\*](#).

## II. Pedestrian & Bicyclist Safety & Education

The transportation relationship for projects in this category is to make non-motorized transportation use safer in Kentucky.

This category allows communities to promote non-motorized transportation through safety and educational programs and encourages healthy physical activity.

A definitive period of participation (project duration) shall be clearly outlined in the application. Projects need not be located on federal-aid roadway routes. Efforts shall not duplicate those being conducted with other funds through state and community traffic-safety programs.

### Eligible Activities

- Educational training materials
  - Brochures
  - Videotapes
  - Limited staff salaries
  - Space Rental
- Non-construction costs to provide safety training classes and facilitator fees

## III. Scenic or Historic Acquisitions

The transportation relationship for projects in this category is to protect or provide viewing access to scenic and historic view sheds from surface transportation systems. Project shall protect the aesthetics of the area for the traveling public.

Purchasing, donating, transferring, and trading or lands or easements on lands that possess significant scenic, historic, natural, aesthetic, visual, or open-space values (including property listed or eligible to be listed in the National Register of Historic Places) are eligible for TE funding. This type of acquisition may be used when roadway

construction creates pressure that may result in development that obscures driver's views from the road or trail of a scenic or historic site.

For acquisition of property or easement that is a substantial distance from the roadway, the property shall be determined to make a contribution to the scenic or historic view shed. The view or historic site shall be preserved in perpetuity.

### Eligible Activities

- Acquisition of property under pressure to be developed in a manner incompatible with scenic or historic areas immediately adjacent to a roadway being constructed or rehabilitated
- Acquisition of property contributing to a view shed at risk of being lost or destroyed without public assistance
- Development or rehabilitation of a roadway turnout, overlook, or viewing area along a state roadway
- Acquisition of property or easements to preserve battlefields

## IV. Scenic or Historic Highway Programs

The Transportation relationship for projects in this category is to protect or enhance the scenic, historic, cultural, or natural integrity of designated scenic or historic roadways for the appreciation of the traveling public.

Project and system planning for the protection and enhancement of state or federally designated scenic or historic roadways is eligible for TE funding. Projects shall primarily serve travelers on these designated roadways.

### Eligible Activities

- Protection of view sheds (see requirements of Category III)
- Landscaping (see requirements of Category V)
- Design and construction of scenic turnouts, overlooks, and viewing areas
- Design and construction of scenic turnouts, overlooks, and viewing areas shall be located directly along designated scenic or historic roadways. Historic-marker signs may be included as part of the scenic turnouts.
- Construction of visitor, tourist, or welcome (VTW) centers, subject to the following requirements:
  - VTW Centers must serve travelers visiting designated scenic or historic roadways. The center need not be immediately adjacent to a federal-aid roadway.
  - The VTW center shall be the only one serving the designated scenic or historic roadway within a thirty (30) mile radius.

- The VTW center shall be owned by the public or by a nonprofit entity and be open to the public a minimum of thirty-two (32) hours per week. TE funds shall not be used for staffing, operation, or maintenance costs.
- Rehabilitation and renovation of an existing historic building to be used as the VTW center serving a scenic or historic roadway may be considered.
- A building may function jointly as a VTW center and office space for another nonprofit or public agency; however, only the portion that serves as a VTW center is eligible for TE funding. Construction costs for interiors and parking (components used for a VTW center) may be included.

## V. Landscaping and Scenic Beautification

The transportation relationship for projects in this category is to enhance the view and experience for the traveling public.



Whitehaven Welcome Center, Paducah

Streetscape improvements, particularly those specific to eligible historic districts, shall be in compliance with the [Kentucky Streetscape Guidelines for Historic Commercial Districts](#). Use of vegetation native to the region is encouraged.

The FHWA Roadside Vegetation Management Website includes additional information: [www.fhwa.dot.gov/environment/vegmgmt/](http://www.fhwa.dot.gov/environment/vegmgmt/)

### Eligible Activities

- Landscaping
- Street furniture
- Lighting
- Public art
- Utility relocation or burial\*
- Streetscapes
- Restoring native plants

- Enhanced roadside vegetation management
- Planning, design, and construction of the above facilities

\*Eligible utility relocation or burial shall constitute no more than 25 percent of the requested TE funds.



St. Clair Street Mall, Frankfort

## VI. Historic Preservation

The transportation relationship shall be one of the following:

- The site historically served a significant and unique role in the surface transportation system.
- The site was significant in the manufacturing of transportation equipment.
- The project will preserve, restore, or enhance historic sites with a surface transportation relationship.
- The project will preserve, restore, or enhance historic sites that have been or will be impacted by roadway construction or rehabilitation due to proximity and impact.

Projects in this category should attract tourists to the community and be an educational tool for the public.

Historic properties shall be listed in or eligible for listing in the National Register of Historic Places. The Kentucky Heritage Council (KHC) administers the National Register Program.

All projects having an impact on historic properties shall be in compliance with the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#).

All historic preservation projects must relate to surface transportation.

A preservation project that involves the restoration of a historic building with either a current or historic transportation function shall be eligible under this category or under Category VII. This category includes aspects of historic preservation, including:

- Identification
- Evaluation
- Documentation
- Acquisition
- Rehabilitation
- Interpretation
- Restoration
- Stabilization

of any historic district, site, structure, object, or landscape.

Eligible interior work includes activities for structural integrity and for adaptation of a building for its functional use.

### Eligible Activities

- Interior and exterior rehabilitation or restoration, including architectural plans and specifications
- Updating of mechanical, plumbing, wiring systems, including heating, ventilation, and air-conditioning units
- Satisfying requirements for compliance with ADA and local building codes

## VII. Rehabilitation of Historic Transportation Buildings

The transportation relationship for projects in this category is to protect and rehabilitate structures that historically have served as substantial parts of the surface transportation system.

This category includes aspects of historic preservation including

- Identification
- Evaluation
- Documentation
- Acquisition
- Rehabilitation
- Interpretation
- Restoration
- Stabilization

of any historic district, site, structure, object, or landscape. Eligible interior work includes activities needed for structural integrity and for adaptation of the building for its functional use.

All projects having an impact on historic properties shall be in compliance with the [\*Secretary of the Interior's Standards for the Treatment of Historic Properties\*](#).

All projects pertaining to the rehabilitation of historic transportation buildings must relate to surface transportation.

### [Eligible Activities](#)

- Rehabilitation of historic transportation buildings and structures associated with the operation, passenger and freight use, construction, or maintenance of any mode of surface transportation
- Structural stabilization
- Updating of mechanical, plumbing, and wiring systems, including heating, ventilation, and air conditioning (HVAC) units
- Providing facilities required for compliance with ADA and local building codes
- Satisfying requirements for compliance with ADA and local building codes
- Restoration of railroad depots, bus stations, customhouses, tollhouses, and ferry terminals\*
- Restoration of canals or bridges for pedestrian use\*

\*Each building or structure shall be listed or eligible to be listed in the National Register of Historic Places or shall be a contributor to a National Register Historic District.

### [VIII. Rail Corridor Preservation](#)

The transportation relationship for projects in this category is to preserve a corridor for future transportation use.

The acquisition of railroad rights of way and the planning, rehabilitation, and development of abandoned railway corridors for public use as bicycle, pedestrian, or equestrian trails are eligible for TE funding. The development and rehabilitation of rail corridors shall be open to the general public. The development of a pedestrian and/or bicycle trail shall follow the same eligibility requirements as those in Category I.



Vanceburg Depot

If the railroad corridor or portions of the corridor have been rail-banked under 16 U.S.C. 1247(d), there must be an agreement stating that the corridor is subject to restoration or reconstruction for railroad purposes. There must be an agreement specifying payback provisions if the restoration for railroad purposes takes place before the end of the economic or useful life of the project.

## IX. Inventory, control, & Removal of Outdoor Advertising

The transportation relationship for projects in this category is to improve the aesthetics of view sheds from the roadways for the traveling public.

Development and implementation of public tourism-oriented signage initiatives designed to reduce the proliferation of outdoor advertising devices and billboards or to reduce the number of advertising devices or signs are eligible for TE funding.



Removal of existing outdoor advertising structures shall be carried out in conformance with the KYTC Relocation Assistance Guidance manual available from the Policy Support Branch of the KYTC.

### Eligible Activities

- Inventory of billboards\*
- Removal of illegal and nonconforming outdoor advertising signs

\*Billboards are defined as off-premise signs that advertise goods and services not found at the site of the signs

## X. Archaeological Planning and Research

The transportation relationship for projects in this category is to help preserve archaeological data and artifacts, support transportation planning, and enhance the interpretation of the historic context.

The project shall be consistent with the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#) and the Kentucky Heritage Council's [Specifications for Conducting Fieldwork and Preparing Cultural Resources Assessment Reports](#).

Additional information is available on-line at [www.cr.nps.gov/local-law/arch](http://www.cr.nps.gov/local-law/arch) and [www.heritage.ky.gov/reports/specs.pdf](http://www.heritage.ky.gov/reports/specs.pdf)

### Eligible Activities

- Archaeological planning and research on sites receiving TE funds
- Experimental projects in archaeological site preservation and interpretation
- Planning to improve identification, evaluation, and treatment of archaeological sites and using data from transportation-related archaeological sites
- Data recovery, development of sensitivity models, research designs to guide future surveys, and interpretation of sites



Old paving and mooring ring from  
Portland Wharf Park, Louisville

## XI. Environmental Mitigation

The transportation relationship for projects in this category is to mitigate environmental impacts and improve the environmental quality of a transportation system.

Environmental projects that mitigate water pollution from roadway runoff and projects that reduce vehicle-caused wildlife mortality while maintaining habitat connectivity are eligible for TE funding.

Projects that demonstrate aesthetic and ecological methods for mitigation are encouraged. Projects shall be limited to those that are ancillary to the environmental requirements and procedures for project-specific mitigation. Funds shall not be used to finance required environmental mitigation work.

### Eligible Activities

- Retrofitting an existing roadway by creating a wetland to filter roadway runoff based on the impacts from the road in terms of water pollution
- Improving streams and drainage channels through landscaping to promote filtering and improve the overall water-quality conditions of receiving channels
- Providing payment in-kind for existing roadway water-quality impacts that warrant mitigation to regional or water-shed planned improvement projects
- Preserving, and mitigating damage to, underground water systems such as karst topography
- Providing educational activities, facilities, and training dedicated to mitigation of water pollution
- Reducing vehicle-caused wildlife mortality



This reduction shall not be limited to threatened and endangered species and shall be based on migration patterns, habitat use, and distribution and crossing characteristics of the wildlife established through data collection on safety of motorists, habitat fragmentation, and wildlife mortality. Examples of projects to reduce vehicle-caused wildlife mortality include:

- Wildlife underpasses or overpasses
- Measures at areas identified as crossings for wildlife, such as fencing and other markings and mitigation techniques
- Bridge extensions to provide or improve wildlife passage and wildlife habitat connectivity
- Monitoring and data collection of habitat fragmentation and vehicle-related wildlife mortality
- Roadside devices designed to reduce wildlife-vehicle conflicts

If a direct measure to reduce wildlife mortality is determined to be infeasible, it may be possible to provide for the loss of wildlife due to vehicle collisions by developing new habitat resources or improving existing habitat resources to support additional population numbers.

## XII. Transportation Museums

The transportation relationship for projects in this category is to share elements of surface transportation with the public.

A transportation museum or transportation display must be for surface transportation. For multiple-purpose museums, only costs attributable to a surface transportation focus are eligible for TE funds. The museum must follow current best practices established by the museum profession.

Transportation museums established using TE funds must:

- Be a legally organized nonprofit institution or part of a nonprofit institution or government entity
- Be essentially educational in nature
- Have an official stated mission
- Have one full-time paid professional staff member who has museum knowledge and experience and is delegated authority and allocated financial resources sufficient to operate the museum effectively
- Present regularly scheduled programs and exhibits that use and interpret objects for the public according to accepted standards
- Have a formal and appropriate program of documentation, care, and use of collections and/or tangible objects
- Have a formal and appropriate program of presentations and maintenance of exhibits

### Eligible Activities

- Construction of a new facility or an addition to an existing facility
- Conversion of an existing facility
- Purchase of artifacts necessary for the creation and operation of the facility

Museums shall be open to the public five (5) days per week for a minimum of thirty-two (32) hours and shall be operated by a public agency or a nonprofit organization.



Interior of River Heritage Museum

## Ineligible Activities

The following is a nonexclusive list of activities that are not eligible for funding nor for innovative match and shall not be included in the cost estimates associated with project applications:

- Contaminated-soil removal associated with underground storage tanks, hazardous waste, and toxic dump cleanup
- Routine maintenance activities performed independently (e.g., repainting, roof repair, graffiti removal, mowing, drainage correction, and curb repairs)
- Administrative expenses (e.g., invoice preparation and processing, grant writing, and bookkeeping)
- Operating expenses and staffing
- Improvements to private property
- Interest payments on borrowed funds
- Rental property improvements for restaurant, retail, or other for-profit businesses
- Relocation expenses for property owners voluntarily selling or donating property
- Construction of recreational facilities and playgrounds
- Condemnation for acquisition of property
- Use of convict labor, including work-release programs
- Required environmental mitigation as determined by the Division of Environmental Analysis and FHWA
- Feasibility study
- Design of a project with no funding commitment to construction of the project
- Displays, segments of buildings, or objects not directly related to transportation

## Additional Eligibility Requirements

### Financial

The TE program is a reimbursement program. Therefore, the proposed project shall be selected, approved, programmed, and contracted with the KYTC prior to the expenditure of any funds included in the request. Any funds expended by the applicant before contract execution by the KYTC shall not be reimbursed. Only elements of a project deemed eligible shall be reimbursed with TE funds.

The project shall include a minimum local match of twenty (20) percent of the total project cost. Written confirmation(s) of the match by the appropriate official or contributor is required to be included in the full application. In-kind contributions (e.g., donated labor, materials, and equipment) may be credited toward the local match if approved by the OSP. A written request for approval of in-kind contributions toward the match is required.

### Budget & Maintenance Plans

A comprehensive budget as well as a maintenance plan must be attached to the contract executed by the KYTC. Therefore, a detailed, accurate budget is required

throughout the application process. Operating and maintenance costs shall be included and the funding source identified. Examples of costs to be included are those for:

- Project development
- Engineering
- Right-of-Way acquisition
- Construction
- Any other project related costs

The total cost estimate provided in the application will be used to determine the amount of funds awarded. A project may receive funds for a reduced scope or in an amount less than requested.

Due to the limited amount of funding, the total project amount funded with TE funds will be the maximum amount reimbursed. If costs exceed the estimate, the sponsor will be responsible for covering the additional costs and must demonstrate the ability to do so. If a sponsor would like to request to reallocate items in the budget, a budget amendment may be submitted to the OSP for review. Only two budget amendments will be accepted during the project life cycle.

A maintenance plan should include a description of how the city or county plans to maintain the infrastructure funded by the project after all of the TE federal funds have been expended. Sponsors are required to maintain this project in perpetuity for the public.

### Property Management

Real-estate acquisition for TE projects must follow all the requirements of the Uniform Act, 49CFR Part 24, and all other federal and state laws and regulations.

Federal Highway Administration (FHWA) property management rules require that income generated by the lease, sale, or other use of real property acquired with federal funds shall be on the basis of fair market value. Such income shall be used on this TE project or any other Title 23 (transportation) eligible project. Occupancy of any structure constructed or improved with TE funds is restricted to public entities and nonprofit organizations.

Disposal of these properties is not allowed. Proprietary leases in perpetuity are acceptable. Proprietors are to pay all taxes, carry liability insurance, and maintain the properties in perpetuity for the uses and purposes identified in the original applications. The properties may not be sold. Additionally, a disclaimer statement “hold harmless clause” releasing the state and federal governments from future damages must be included.

### Appraisals

Appraisals for the acquisition of real-property interests or for donation credit shall be prepared in accordance with the KYTC and FHWA policies and guidelines using a KYTC pre-qualified appraiser. No appraisal work is to be started until the appraiser has met

with the Division of Right of Way and Utilities appraisal personnel to discuss standards, requirements, and valuation problems that may be encountered on the assignment. Preservation easements shall be required on all properties acquired prior to the reimbursement of funds, and the projects shall provide for the public access. Any appraisal must be reviewed and approved by KYTC Central Office review appraisers. Project sponsors shall submit three (3) copies of the appraisal to the OSP for review.

### Disadvantaged Business Enterprise (DBE)

The Disadvantaged Business Enterprise (DBE) Program ensures equal opportunity to small, socially, and economically disadvantaged businesses. The KYTC's DBE Directories can be found at [www.transportation.ky.gov/OBOD/DBE\\_Directory.pdf](http://www.transportation.ky.gov/OBOD/DBE_Directory.pdf)

### Wage Requirements

The Davis-Bacon Act (prevailing federal wage) shall apply to TE projects of \$2,000 or greater within the right of way of a federal-aid highway. If the TE project is outside the right of way, the Davis-Bacon Act does not apply. If the cost within the federal-aid highway right of way is greater than \$2,000 for a project partially on and off the right of way, the Davis-Bacon Act applies. Prevailing state wage rates shall apply to all projects with a total cost of \$250,000 or greater. Cost estimates prepared shall consider these requirements.

#### **Projects shall comply with:**

- Model Procurement Code as it relates to local public agencies (KRS45A.343, 345-460)
- Title VI of the Civil Rights Act and Environmental Justice, Disadvantaged Business Enterprise
- Uniform Relocation Act

Other requirements are qualifications-based selection of professional services, including engineering and architectural services, and competitive bidding procedures for construction and related activities in addition to any other applicable requirements for federal funding of the specific project.

### Americans with Disabilities Act (ADA)

A commitment shall be made to comply with ADA accessibility requirements.

ADA information lines: **800-514-0301 (voice) and 800-514-0383 (TDD)**

### Environmental Compliance

All TE projects shall conform with:

- National Environmental Policy Act (NEPA)
- Section 4(f) of 49 United States Code (USC) 303

- National Historic Preservation Act
- Section 404 of the Clean Water Act

## Web Resources

Federal Highway Administration

<http://www.fhwa.dot.gov/environment/te/guidance.htm>

Federal Highway Administration SAFETEA-LU Legislation

<http://www.fhwa.dot.gov/reauthorization/index.htm>

KYTC Disadvantaged Business Enterprise Directories

<http://transportation.ky.gov/OBOD/Directories.htm>

Kentucky Heritage Council

<http://www.state.ky.us/agencies/khc/khchome.htm>

Kentucky Transportation Cabinet Environmental Achievements

<http://transportation.ky.gov/enriroach/>

National Park Service American Battlefield Protection Program

<http://www.cr.nps.gov/hps/abpp/>

National Transportation Enhancements Clearinghouse

<http://www.enhancements.org/>

National Transportation Enhancements Guide to TE

<http://www.enhancements.org/misc/TEGuide2002.pdf>

United States Department of Justice Americans with Disabilities Act

<http://www.usdoj.gov/crt/ada/>

## Application Process

Applicants must complete requirements from both the KYTC Office of Special Programs and the State Clearinghouse to be considered for funding.

## Office of Special Programs Requirements:

### Intent-To-Apply Form

The OSP requires all interested persons to complete the Intent-To-Apply form. Completion of this form allows the OSP to review the proposed projects and provide the applicants with valuable information before the completion of a full application.

The only applicants eligible for TE project funding are state and local government agencies. The projects are to serve a public purpose in perpetuity, and the facilities and

services provided are to be on a nonprofit basis. To receive funding, nonprofit organizations are to be in partnership with a government sponsor (state or local government agency). The government sponsor is responsible for:

- Soliciting public support
- Obtaining required twenty (20) percent matching funds (federal funds, but not other U.S. Department of Transportation funds, may be used for matching)
- Arranging for match funding and long-term maintenance locally before applying for federal funds
- Administering the project
- Identifying the project in its financial accounting and annual audits

### Letter of Invitation

After reviewing the Intent-To-Apply forms, OSP shall send each applicant either (a) a letter of invitation to submit a full application or (b) a letter of ineligibility. The full application shall be available only to applicants who receive letters of invitation.

### Full Application

Upon receipt of a letter of invitation, the applicant shall have forty-five (45) days from the date stated in the letter to submit the full application. This requirement assures that each applicant shall have the same amount of time to complete the full application.

The applicant is to submit six (6) identical copies of the full application to the OSP. Each copy is to be stapled or bound in a folder (but not in a three-ring binder) and is not to exceed one-half inch in thickness. The government sponsor is to keep the original and at least one copy for its use. The applicant is to identify clearly the government sponsor and the project title on the front of the application packet. The OSP requires that the application packet be postmarked by the date in the letter of invitation. The OSP shall not accept applications postmarked after that date.

### **The applicant is to submit the application packet to:**

Kentucky Transportation Cabinet  
Department of Governmental Relations  
Office of Special Programs  
Transportation Enhancements  
200 Mero Street  
Frankfort KY 40622

If applying for TE funds for a project that has a relationship with the Renaissance on Main Program, the applicant may want to request a letter of support from the local Renaissance on Main / Main Street organization. The applicant is encouraged to include this letter of support with the full application, along with a map that identifies the Renaissance boundary, with the project located within the boundary to be considered for this funding.

## State Clearinghouse Requirements

Pursuant to Presidential Executive Order 12372, the applicant shall submit to the State Clearinghouse for Intergovernmental Review ten (10) copies of only the following before submitting the full application to the OSP:

- Cover letter identifying the funding program
- Application for Federal Assistance (424) form
- Brief narrative describing the project
- Detailed budget
- 8 ½ x 11 topographical map clearly showing the activity for which funding is sought

The Area Development Districts (ADD's) can assist with this activity. A complete list of the Kentucky ADD's and their contact information is located at the end of this guidebook.

The State Clearinghouse does not require that the requesting agency submit the entire application as sent to the OSP. A link to the State Clearinghouse may be found at [www.gold.ky.gov/clearinghouse](http://www.gold.ky.gov/clearinghouse).

The applicant shall submit these documents to:

Governor's Office for Local Development  
State Clearinghouse  
1024 Capital Center Drive, Suite 340  
Frankfort KY 40601

If a proposed project is located within an urbanized area, the applicant is to submit an additional copy of these documents to the appropriate Metropolitan Planning Organization (MPO). A list of the MPO's and their contact information is located at the end of this guidebook.

## Review Process

After the deadline for applications, the OSP shall conduct a thorough review of each application and organize the applications for review by the Transportation Enhancement Advisory Committee (TEAC), selected by the Executive Director of the OSP. The committee may include, but is not limited to, a representative from each of the following:

- Governor's Office
- Governor's Office for Local Development
- Commerce Cabinet
- Kentucky Heritage Council
- Executive Director of OSP
- MPO Representative

### OSP's Selection Criteria:

- Demonstrated need for the project
- Transportation relationship
- Benefit to the community (e.g., job creation, tourism, and economic development)
- Reliable budget and engineering estimates
- Project cost, availability of matching funds to complete the project, ability to leverage other funding, and plans to provide ongoing maintenance costs
- Widespread community support
- Relationship to local, regional, and statewide plans/initiatives
- Demonstrated ability to administer funding, including previous TE funds
- Project readiness for construction (planning, design, and acquisition)
- Overall geographic distribution of TE funds and the mix of projects representing a number of eligible categories.

The Executive Director of the OSP shall then provide recommendations to the Secretary of the KYTC for review. Upon that review, the OSP shall forward approved recommendations to the Governor's Office for review. Before the announcement of the awarded projects, the Executive Director of the OSP shall review the final list of recommended projects with the Kentucky Division of the Federal Highway Administration (FHWA).

### Announcement of Awarded Projects

OSP shall announce the names of the fund recipients in early summer. Each recipient shall then submit a revised application in which the amount of the budget matches the announced funding amount and any items deemed ineligible have been removed. Once the recipient acceptably revises the applications, the KYTC shall submit to the FHWA the project information for programming of funds for reimbursement. The recipient shall then enter into a contract with the KYTC. **Any action the recipient takes prior to the execution of this contract shall not be eligible for reimbursement unless specifically approved in advance by the KYTC.**

### Workshops

After the OSP announces the awards, recipients of funds shall attend an OSP workshop regarding the implementation of the funds. The OSP shall provide a choice of dates and locations. Failure to participate in an implementation workshop shall result in the reassignment of funds to another project.

### Progress Report

The project contact shall send a progress report to the Office of Special Programs (OSP) at the end of each calendar year. The report shall include at a minimum:

- Current status of the project
- Funds expended

- Detailed timeline for completion of the project
- Justification for the delay if the project is behind schedule

## Timeline

The applicant should be prepared to provide information necessary for programming the funds and entering into a contract with the KYTC within one (1) year after the announcement. If the contract agreement is not executed within one (1) year of the announcement, funds may be recaptured.

When funds are programmed and a contract agreement executed, the recipient of funding shall have three (3) years to complete the project. Failure to show substantial progress toward completion within the three (3) years may result in the cancellation of TE funding.

## Contracting

Following the announcement of TE funding, the project application is sent to the Division of Environmental Analysis (DEA) for clearance. Upon approval from the DEA, the project is submitted to the KYTC Division of Program Management for inclusion in the Statewide Transportation Improvement Plan (STIP) and the Transportation Improvement Plan (TIP), if applicable. When the project completes the programming stage, it is reviewed by the Office of Legal Services. The TE contract is then routed to the sponsor for signatures and the adoption of a city or county resolution accepting the contract. The sponsor submits the contract to the OSP, where it is submitted to the KYTC Secretary for final execution.

**The fully executed copy of the contract will be sent to the sponsor via email. No work can commence until the sponsor has received the fully executed contract from the KYTC.**

## Submission of Plans

If the project requires creation or modification of infrastructure, the sponsor must submit all final plans and specifications to the (OSP) for review. **Construction cannot start until the plans are approved by the OSP and written documentation has been sent to the project sponsor.** All applicants are encouraged to work with the historic preservation coordinator within the OSP during the design and preparation process of the final plans. Once submitted to the OSP, the plans will be reviewed within thirty (30) days by the OSP's historic preservation coordinator for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Americans with Disabilities Act Guidelines, and the Kentucky Heritage Council's Streetscape Design Guidelines for Historic Commercial Districts as applicable to each project.

After the initial review, the OSP will make a recommendation and the plans will be sent to the Kentucky Heritage Council (KHC) for additional review and compliance of the above guidelines. The KHC also has a thirty (30) day review period. If at any time during the review process there are problems, or if changes are necessary with the

plans and specifications, new plans illustrating the changes may be required to be submitted for review. Upon completion of the review, the KHC will send a recommendation back to the OSP. The OSP will notify the project applicants by letter with the results of the reviews.

## Reimbursement

There are several steps a sponsor must follow in order to be reimbursed for incurred expenses:

- Submit the official OSP invoice form signed by the sponsor.
- Document the contract number in all correspondence.
- Include a brief description of the invoices and work completed.
- Support the invoices with detailed receipts and cancelled checks.
  - All receipts and invoices must have a header including the name and address of the vendor.
  - A description of the services or items purchased must be included.
- Identify the amount of Disadvantaged Business Enterprise (DBE) participation for each invoice submitted.
- Document the funding match with time sheets, property documents, and records of in-kind contributions.

## Project Closure

When the project is completed, the sponsor should submit the final invoice along with the project closure form to the Kentucky Transportation Cabinet (KYTC) Office of Special Programs (OSP). After this form is submitted, the OSP will audit the project site and the final invoice will be processed. The sponsor will be paid either the balance remaining on the total funding award or the amount of the final invoice, whichever is less.

## Contact Information

Additional information may be accessed from the following:

[www.tea21.ky.gov](http://www.tea21.ky.gov) Electronic copies of this document may be downloaded from this site.

National Transportation Enhancements Clearinghouse (NTEC)  
[www.enhancements.org](http://www.enhancements.org). This site provides project examples from across the country.

Kentucky Transportation Cabinet  
Department of Governmental Relations  
Office of Special Programs  
Transportation Enhancements  
200 Mero Street  
Frankfort KY 40622  
502-564-2060 (phone)  
502-564-6615 (fax)



## SAFE ROUTES TO SCHOOL

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## Overview

The Safe Routes to School (SRTS) Program resulted from the enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The funds are available for infrastructure and non-infrastructure projects that benefit elementary and middle school children in grades K-8.

The purposes of Safe Routes to School are:

- To enable and encourage children, including those with disabilities, to walk and bicycle to school
- To make walking and bicycling to school safe and more appealing
- To facilitate the planning, development, and implementation of projects that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools

There are many possible outcomes as a result of successfully implementing projects and activities through the Safe Routes to School Program. Desired outcomes include:

- Increased bicycle, pedestrian and traffic safety
- More children walking and bicycling to and from school
- Decreased traffic congestion
- Improved childhood health
- Reduced childhood obesity
- Encouragement of healthy and active lifestyles
- Improved air quality
- Improved community safety
- Reduced fuel consumption
- Increased community security
- Enhanced community accessibility
- Increased community involvement
- Improvements to the physical environment that increase the ability to walk and bicycle to and from schools
- Improved partnerships among schools, local municipalities, parents, and other community groups, including non-profit organizations
- Increased interest in bicycle and pedestrian accommodations throughout a community

## Five Components of Safe Routes to School

The Federal Highway Administration recommends that the United States incorporate-directly or indirectly-five components often referred to as the “5 E’s” The 5 E’s are:

Engineering- Creating operational and physical improvements to the infrastructure surrounding schools that reduce speeds and potential conflicts with motor vehicle traffic, and establish safer and fully accessible crossings, walkways, trails and bikeways.

Education-Teaching children about the broad range of transportation choices, instructing them in important lifelong bicycling and walking safety skills, and launching driver safety campaigns in the vicinity of schools.

Enforcement- Partnering with local law enforcement to ensure traffic laws are obeyed in the vicinity of schools (this includes enforcement of speeds, yielding to pedestrians in crossings, and proper walking and bicycling behaviors), and initiating community enforcement such as crossing guard programs.

Encouragement- Using events and activities to promote walking and bicycling

Evaluation- Monitoring and documenting outcomes and trends through the collection of data, including the collection of data before and after intervention(s).



## Eligibility and Funding Activities

### Eligibility

All applications are encouraged to be sponsored by a school board or a local government agency. Projects are to serve a public purpose in perpetuity and the facilities and/or services provided are to be on a nonprofit basis. Applicants must demonstrate an ability to meet the requirements of the program. Projects by nonprofit organization are required to be in partnership with a local government agency or school board. A local match of funding is not required for Safe Routes to School (SRTS) projects.

**The sponsor is responsible for:**

- Soliciting public support
- Administering the project
- Identifying the project in its financial accounting and annual audit

**To apply for SRTS funds, an applicant must be proposing a project that is located within two miles of a primary or middle school and falls in one or more of the eligible activities.**

### [Funding Activities](#)

Funds are available for infrastructure-related projects and non-infrastructure related activities. Projects and activities in each category should directly support increased safety and convenience for elementary and middle school children to bicycle and/or walk to school. Projects may indirectly benefit high school age young or the general public; however these constituencies cannot be the sole or primary beneficiaries. The Safe Routes to School (SRTS) legislation specifies that a portion of the total state SRTS funding should be spent on non-infrastructure activities.

### [Infrastructure Related Activities](#)

Infrastructure projects may include the planning, design and construction of projects that will improve the ability of students to walk and bicycle to school.

These projects may include:

- Sidewalk improvements
  - New sidewalks
  - Sidewalks widening
  - Sidewalk gap closures
  - Sidewalk repairs
  - Curbs
  - Gutters
  - Curb ramps
- Traffic-calming and speed-reduction improvements
  - Roundabouts
  - Bulb-outs
  - Speed humps
  - Raised crossing
  - Raised intersections
  - Median refuges
  - Narrowed traffic lanes
  - Lane reductions
  - Full-or half-street closures
  - Automated speed enforcement
  - Variable speed limits
- Pedestrian-and bicycle-crossings improvements

- Crossings
- Median refuges
- Raised crossings
- Raised intersections
- Sight Distance Improvements
- Traffic control devices
  - Traffic signals
  - Pavement markings
  - Traffic stripes
  - In-roadway crossing lights
  - Flashing beacons
  - Bicycle-sensitive actuation devices
  - Pedestrian activated signal upgrades
- On-street bicycle facilities
  - New or upgraded bicycle lanes
  - Widened outside lanes or roadway shoulders
  - Geometric improvements
  - Turning lanes
  - Channelization and roadway realignment
  - Traffic signs
  - Pavement markings
- Off-street bicycle and pedestrian facilities
  - Exclusive multi-use bicycle and pedestrian trails and pathways separated from a roadway
- Secure bicycle parking facilities
  - Bicycle parking racks
  - Bicycle lockers
  - Designated areas with safety lighting
  - Covered bicycle shelters
- Traffic-diversion improvements within two miles of the school
  - Separation of pedestrians and bicycles from vehicular traffic adjacent to school facilities
  - Traffic diversions away from school zones or designated routes to school

### Non-Infrastructure Related Activities

Non-infrastructure projects may include:

- Public awareness campaigns and educational materials
- Traffic education and enforcement in the vicinity of the school
- Student sessions on bicycle safety, health and the environment
- Training for volunteers and managers of SRTS programs.

## Safe Routes to School (SRTS) Ineligible Activities

SRTS funds should not be used for reoccurring costs, such as crossing guard salaries. Funding requests for costs that are expected to be reoccurring costs in the future years should include plans for how the costs will be funded in the future and a rationale for how federal leveraging of future financial security for the activity.

The use of SRTS funds for projects that recognize pick-up and drop-off primarily for the convenience of drivers rather than to improve child safety and/or walking and bicycling access are not permitted. In addition, funds should not be spent on educational programs that are primarily focused on bus safety. Improvements to bus stops are also not eligible for this funding.

## Financial

The SRTS program is a reimbursement program. Therefore, the proposed project must be selected, approved, programmed, and contracted with the Kentucky Transportation Cabinet (KYTC) prior to the expenditure of any funds included in the request. Any funds expended by the applicant before contract execution by the KYTC shall not be reimbursed. Only elements of a project deemed eligible shall be reimbursed with SRTS funds.

Safe Routes to School (SRTS) projects do not require a local match.

## Budget and Maintenance Plan

A comprehensive budget as well as a maintenance plan must be attached to the contract executed by the KYTC. Therefore, a detailed, accurate budget is required throughout the application process. Examples of costs to be included are those for:

- Project development
- Engineering
- Right-of way acquisition
- Construction
- Pavement markings
- Traffic signs
- Any other project related costs
- Education and Outreach Activities

The total cost estimate provided in the application will be used to determine the amount of funds awarded. Due to the limited amount of funding, the total project amount funded with SRTS funds will be the maximum amount reimbursed. If costs exceed the estimate, the sponsor will be responsible for covering the additional costs and must demonstrate the ability to do so. If a sponsor would like to request to reallocate items in the budget, a budget amendment may be submitted to the OSP for review. Only two budget amendments will be accepted during the project life cycle.

A maintenance plan should include a description of how the city, county, or school board plans to maintain the infrastructure after all of the SRTS federal funds have been expended. Sponsors are required to maintain this project in perpetuity for the public.

### Property Management

Construction and capital improvement projects must be located within approximately two miles of a primary or middle school (grades K-8). For SRTS infrastructure projects, public funds must be spent on projects within the public right of way. This may include projects on private land that have public access easements. Public property includes lands that are owned by a public entity, including those lands owned by public school districts.

For projects on private land, there must be a legal written easement or other written legally binding agreement that ensures public access to the project. There must be an easement filed of record, which specifies the minimum length of time for the agreement to maximize the public investment in the project. The project must remain open for general public access for use for which the funds were intended for the timeframe specified in the easement or lease.

For real property acquisition, all project sponsors must comply with provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act Of 1970. These regulations will be applied to evaluating the acquisition of real property and any potential displacement activities.



### Appraisals

Appraisals for the acquisition of real-property interests or for donation credit shall be prepared in accordance with the KYTC and FHWA policies and guidelines using a KYTC pre-qualified appraiser. No appraisal work is to be started until the appraiser has met with the Division of Right of Way and Utilities appraisal personnel to discuss standards, requirements, and valuation problems that may be encountered on the assignment. Preservation easements shall be required on all properties acquired prior to the reimbursement of funds, and the projects shall provide for the public access. Any

appraisal must be reviewed and approved by KYTC Central Office review appraisers. Project sponsors shall submit three (3) copies of the appraisal to the OSP for review.

### Disadvantaged Business Enterprise (DBE)

The DBE Program ensures equal opportunity to small, socially and economically disadvantaged businesses. The Kentucky Transportation Cabinet's DBE Directories can be found at [www.transportation.ky.gov/OBOD/DBEDirectory.pdf](http://www.transportation.ky.gov/OBOD/DBEDirectory.pdf).

### Wage Requirements

The Davis-Bacon Act shall apply to all SRTS projects. SRTS infrastructure and non-infrastructure projects and activities of \$2000 or greater must comply with the Davis-Bacon prevailing wage rates, competitive bidding and other contractual regulations. SRTS projects are treated as if they are in a federal-aid system despite their functional classification or location in a federal right of way. Cost estimates prepared shall consider those requirements.

Projects shall comply with:

- Model procurement code as it relates to local public agencies (KRS 45A. 343, 345-360)
- Title VI of the Civil Rights Act and Environmental Justice, Disadvantaged Enterprise
- Uniform Relocation Act
- Manual of Uniform Traffic Control Devices (MUTCD)

Other requirements are qualifications-based selection of professional services, and competitive bidding procedures for construction and related activities in addition to any other applicable requirements for federal funding of the specific project.

[The applicant is to submit the application packet to:](#)

Kentucky Transportation Cabinet  
Department of Governmental Relations  
Office of Special Programs  
200 Mero Street  
Frankfort, KY 40622

### Americans with Disabilities Act (ADA)

A commitment shall be made to comply with ADA accessibility requirements. ADA Information Lines: 800-514-03010 (voice) 800-514-0380 (TDD)

### Environmental Compliance

All SRTS projects shall conform with:

- National Environmental Policy Act (NEPA)

- Section 4(f) of 49 United States Code (USC) 303
- National Historic Preservation Act
- Section 404 of the Clean Water Act



## Application Process

Applicants must complete requirements from both the Kentucky Transportation Cabinet, Office of Special Programs (OSP) and the State Clearinghouse to be considered for funding.

### Office of Special Programs Requirements

The applicant is to submit five copies to the OSP. Each copy is to be bound in a folder (but not in a three-ring binder) and is not to exceed one-half inch in thickness. The government sponsor is to keep at least one additional copy for its use. The applicant is to identify clearly the government sponsor and the project title on the front of the application packet. Applications will only be accepted in the time frame designated by the OSP. It is required that the application packet be postmarked by the deadline specified. The OSP shall not accept applications postmarked after that date.

### **The applicant is to submit the application packet to:**

Kentucky Transportation Cabinet  
Office of Special Programs: SRTS  
200 Mero Street, 6<sup>th</sup> Floor  
Frankfort, KY 40622

## State Clearinghouse Requirements

Pursuant to Presidential Executive Order 12372, all applicants must submit to the State Clearinghouse for intergovernmental Review ten (10) copies of the following before submitting the full application to the OSP.

- Cover letter identifying the funding program
- Application for Federal Assistance (424 form)
- Brief narrative describing the project
- Detailed budget
- 8 ½" X 11" topographical map, if necessary, clearly showing the activity for which funding is sought

The Area Development Districts (ADD's) can assist with this activity. A list of the ADD's and their contact information is located at the end of this guidebook.

The State Clearinghouse does not require that the requesting agency submit the entire application as sent to the OSP. A link to the State Clearinghouse may be found at [www.gold.ky.gov/clearinghouse](http://www.gold.ky.gov/clearinghouse). The applicant shall submit these documents to

Governor's Office for Local Development  
State Clearinghouse  
1024 Capital Center Drive, Suite 340  
Frankfort, KY 40601

If a proposed project is located within an urbanized area, the applicant is to submit an additional copy of these documents to the appropriate Metropolitan Planning Organization (MPO). A list of the MPO's and their contact information is located at the end of this guidebook.

## Review and Selection

The review process will begin immediately after the deadline for applications. The OSP will begin the process by doing a thorough review of each application and will organize the applications to be reviewed by the SRTS Advisory Committee formed by the Executive Director of the OSP. Each ADD and MPO may also provide valuable input during the review process. The OSP Executive Director will then provide recommendation to the Secretary of the Transportation Cabinet for review. Recommendations will then be forwarded to the Governor's Office for review. Prior to the announcement of the awarded projects, the OSP Executive Director will review the final list of recommended projects with the Kentucky Division of Federal Highway Administration (FHWA).

The following criteria will be considered in the selection process:

- Demonstrated need for the project
- Addresses safety concerns-potential to reduce child injuries

- Promoted healthy lifestyles-encourages children to walk or bicycle to school
- Benefits students and the community
- Reduces traffic, fuel consumption and air pollution in the vicinity of the school
- Provides reliable budget and engineering estimates
- Shows evidence of widespread community support
- Establishes relationship to local, regional, and statewide plans/initiatives
- Demonstrates ability to administer funding, including previous federal funding
- Demonstrates project readiness for construction (planning, design and acquisition)
- Conforms to overall geographic distribution of funds
- Does not exceed the \$250,000 per project funding limit

### Announcement of Funding

Announcement of the funding recipients will be made in the summer. Upon being selected, the applicant will be asked to submit a revised application, if necessary, for which the amount of the budget matched the funding announcement and remove any items deemed ineligible. All arrangements for funding and long-term maintenance are to be made prior to the programming of funds. Once an application has been revised, project information will be submitted by the Cabinet to the Federal Highway Administration for programming of funds for reimbursement. After this is complete, the applicant will enter into an agreement with the Kentucky Transportation Cabinet. **Any action taken prior to this executed contract agreement will not be eligible for reimbursement.**

### Workshops

Recipients of funds will be required to attend a Safe Routes to School workshop regarding the implementation of their funds after the awards are announced. Failure to participate in an implementation workshop can result in funds being recaptured.

### Progress Report

The project contact shall send a progress report to the OSP at the end of each calendar year. The report shall include at a minimum:

- Current status of the project
- Funds expended
- Detailed timeline for completions of the project
- Justification for the delay if the project is behind schedule

### Timeline

All SRTS projects are to be completed within 18 months from the date on the executed contract. All projects that are not complete at that time may be cancelled, and the sponsor may be required to return any federal funds expended on the project. A letter requesting an extension may be submitted prior to the end of the 18 month completion period. Each request will be reviewed and responded to accordingly.

## Contracting

Following the announcement of SRTS funding, the project application is sent to the Division of Environmental Analysis (DEA) for clearance. Upon approval from the DEA, the project is submitted to the KYTC Programming for inclusion in the Statewide Transportation Improvement Plan (STIP) and the Transportation Improvement Plan (TIP), if applicable. When the project completes the programming stage, it is reviewed by the Office of Legal Services. The SRTS contract is then routed to the sponsor for signatures and the adoption of a city or county resolution accepting the contract. The sponsor submits the contract to the OSP, where it is submitted to the KYTC Secretary for final execution.

**The fully executed copy of the contract will be sent to the sponsor via email. No work can commence until the sponsor has received the fully executed contract from the KYTC.**

## Submission of Plans

If the project requires creation or modification of infrastructure, the sponsor must submit all final plans and specifications to the OSP for review. **Construction cannot start until the plans are approved by the OSP and written documentation has been sent to the project sponsor.** All applicants are encouraged to work with the historic preservation coordinator within the OSP during the design and preparation process of the final plans. Once submitted to the OSP, the plans will be reviewed within 30 days by the OSP's historic preservation coordinator for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the American with Disabilities Act Guidelines, and the Kentucky Heritage Council's Streetscape Design Guidelines for Historic Commercial Districts as applicable to each project.

After the initial review, the OSP will make a recommendation and the plans will be sent to the Kentucky Heritage Council (KHC) for additional review and compliance of the above guidelines. The KHC also has a thirty (30) day review period. If at any time during the process review there are problems, or if changes are necessary with the plans and specifications, new plans illustrating the changes may be required to be submitted for review. Upon completion of the review, the KHC will send a recommendation back to the OSP. The OSP will notify the project applicants by letter with the results of the reviews.

## Reimbursement

There are several steps a sponsor must follow in order to be reimbursed for incurred expenses:

- Submit the Official OSP invoice from signed by the sponsor
- Document the contract number in all correspondence
- Include a brief description of the invoices with detailed receipts and cancelled checks
  - All receipts and invoices must have a header including the name and address of the vendor

- A description of the services or items purchased must be included,
- Identify the amount of Disadvantaged Business Enterprise (DBE) participation for each invoice submitted
- Document the funding match with time sheets, property documents and records of in-kind contributions

### Project Closure

When the project is completed, the sponsor should submit the final invoice along with the project closure form to the KYTC, OSP. After this form is submitted, the OSP will audit the project site and the final invoice will be processed. The sponsor will be paid either the balance remaining on the total funding award or the amount of the final invoice, whichever is less.

### Web Resources

International Walk to School Day

<http://walktoschool.org>

Federal Highway Administration Safe Routes to School

<http://safety.fhwa.dot.gov/saferoutes/>

Kentucky Transportation Cabinet Safe Routes to School

<http://saferouteskentucky.com>

National Center for Safe Routes to School

<http://www.saferoutesinfo.org>



## CONGESTION MITIGATION AND AIR QUALITY

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## Overview

The purpose of the Congestion Mitigation and Air Quality (CMAQ) program is to fund transportation projects or programs that will contribute to attainment or maintenance of the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide (CO), and particulate matter (PM).

The CMAQ program supports two important goals of the Department of Transportation: improving air quality and relieving congestion. The CMAQ program strives to reduce transportation-related emissions by providing state and local governments the option to fund different emission reduction and congestion reduction strategies. CMAQ funds provide for the implementation of a variety of unique projects, with examples ranging from bicycle and pedestrian facilities, ride sharing programs, transit improvements, traffic flow improvements, and truck stop electrification projects.

## Eligibility

The only applicants eligible for this funding are state and local government agencies as well as private entities through public-private partnerships. Projects by nonprofit organizations are to be in partnership with a government sponsor (state or local government agency) in order to receive funding. Kentucky Transportation Cabinet Highway District Offices are not eligible to apply unless approved in advance by the Commissioner of Highways.

Federal CMAQ funds must be spent in non-attainment or maintenance areas as determined by the Environmental Protection Agency (EPA). The following counties in Kentucky are eligible for funding:

Boone, Boyd, Bullitt, Campbell, Christian, Daviess, Edmonson, Fayette, Jefferson, Kenton, Marshall, Oldham, and Scott  
Portions of Greenup, Hancock, Lawrence, and Livingston Counties

Funds also may be used for projects in proximity to non-attainment and maintenance areas if the benefits will be realized primarily within the non-attainment or maintenance area. The delineation of an area considered "in proximity" should be discussed with the Federal Highway Administration (FHWA).

Projects are to serve a public purpose in perpetuity, and the facilities and/or services provided are to be on a nonprofit basis. **The government sponsor is responsible for:**

- Soliciting public support
- Obtaining required 20 percent matching funds
- Making all arrangements for match funding and long-term maintenance (if applicable) locally before applying for federal funds
- Administering the project
- Identifying the project in its financial accounting and annual audits

## Eligible Activities

Congestion Mitigation and Air Quality (CMAQ) eligibility in Kentucky is determined using the following three primary criteria.

### Capital Investment

CMAQ funds should be used for establishment of new or expanded transportation projects to help reduce emissions, including capital investments in transportation infrastructure, congestion relief efforts, diesel engine retrofits, or other capital projects.

### Emission Reductions

Projects funded under the CMAQ program must be expected to result in ozone, carbon monoxide (CO), and particulate matter (PM 2.5) reductions. This can be demonstrated by the assessment of anticipated emission reductions that is required for most projects.

### Public Good

CMAQ funded projects should be for the good of the general public. Public-private partnerships may be eligible, however, as long as public good (i.e., reduced emissions) results from the project.

A project application must meet the requirements of at least one of the following six categories to be considered for CMAQ funding. Projects may meet the requirements of more than one eligible category. CMAQ projects may be stand-alone projects or parts of larger projects.

## Eligible Categories

**There are six eligible categories: Inspection/Maintenance and Other Traffic Control Measures, Pedestrian/Bicycle, Shared Ride, Traffic Flow Improvements, Transit, and Demand Management.**

### I. Inspection/Maintenance and Other Transportation Control Measures

#### Alternative Fuels and Vehicles

Fuel—Establishing publicly-owned fueling facilities and related infrastructure to accommodate alternative-fuel vehicles is an eligible expense, unless privately-owned fueling stations are in place and reasonably accessible.

Non-transit vehicles—CMAQ funds may be used to purchase publicly-owned alternative fuel vehicles. Costs associated with converting fleets to run on alternative fuels are also

eligible. When private vehicles are purchased, only the cost difference between the alternative fuel vehicles and comparable conventional fuel vehicles is eligible. Hybrid vehicles—certain hybrid vehicles that have lower emission rates than their non-hybrid counterparts may be eligible for CMAQ investment. Hybrid passenger vehicles must meet Environmental Protection Agency requirements.

### Inspection/Maintenance (I/M) Programs

Poor engine maintenance and malfunctioning of pollution control equipment can significantly increase the amount of emissions released per vehicle. CMAQ funds may be used to introduce, conduct, and provide start-up costs for automobile inspection and maintenance programs.

### Extreme Low-Temperature Cold Start Programs

Projects intended to reduce emissions from extreme cold-start conditions are eligible for CMAQ funding. Such projects include retrofitting vehicles and fleets with water and oil heaters and installing electrical outlets and equipment in publicly-owned garages or fleet storage facilities.

### Idle Reduction

Idle reduction projects that reduce emissions and are located within, or in proximity to and primarily benefiting, a non-attainment or maintenance area are eligible for CMAQ investment. Electrification or other idling reduction facilities and equipment that are constructed or located on rights-of-way of the Interstate system are also permitted.

### Diesel Engine Retrofits & Other Advanced Truck Technologies

The projects under this category include vehicle replacement, diesel engine replacement, full engine rebuilding and reconditioning, and other technologies determined by the EPA as appropriate for reducing emissions from diesel engines. CMAQ funds may also be used to purchase and install emission control equipment on school buses. Refueling is not eligible as a stand-alone project.

### Freight/Intermodal

Projects and programs targeting freight capital costs are eligible provided that air quality benefits can be demonstrated. Successful projects that reduce emissions could include new diesel engine technology or retrofits of vehicles or engines.

### Transportation Control Measures (TCMs)

TCM projects may include traffic flow improvement programs, programs to restrict vehicle use or to reduce the need for SOV travel, and construction of paths for non-motorized means of transportation.

## II. Bicycle/Pedestrian

Bicycle and pedestrian projects enable people who wish to use non-motorized forms of transportation to get around more easily. Eligible activities include construction of bicycle and pedestrian facilities (paths, racks, lockers) that are not exclusively recreational and reduce vehicle trips.

Examples of bicycle and pedestrian projects include providing on-street bicycle lanes, off-street trails, and improved sidewalk connectivity. These projects tend to be one-time capital investments that generate multiyear benefits. Although they may not measurably decrease congestion levels, they do provide alternatives to driving and can open up access to non-drivers, including children, to access employment, schools, parks, libraries, and other facilities.



## III. Shared Ride

Transportation improvement projects make it easier for people to take advantage of the benefits of ridesharing. Park-and-Ride facilities provide a convenient place for people to join others in a carpool or vanpool or take advantage of transit service. Rideshare matching services help individual travelers find other people to join for rides.

These projects enable the road system to carry more people with fewer vehicles, thereby increasing the efficiency of the transportation network and reducing traffic congestion. They provide alternatives to driving alone, which can yield benefits, such as reducing parking and vehicle operating costs and reducing travel time if HOV facilities are available.

## IV. Traffic Flow Improvements

This strategy reduces emissions by promoting efficient traffic movement, thereby reducing unproductive travel delays and emissions resulting from engine idling. There are many ways to reduce and improve air quality by improving traffic flow. These include: traffic signal synchronization, channelization, high occupancy vehicle lanes, and transportation management improvements.

### Traditional Improvements

Traditional traffic flow improvements, such as the construction of roundabouts, HOV lanes, left-turn or other managed lanes, are eligible for CMAQ funding provided they demonstrate net emissions benefits.

### Intelligent Transportation Systems

Intelligent Transportation Systems (ITS) projects, such as traffic signal synchronization projects, traffic management projects, and traveler information systems, can be effective in relieving traffic congestion, enhancing transit bus performance, and improving air quality.

### Value/Congestion Pricing

Congestion pricing is a market-based mechanism that allows tolls to rise and fall depending on capacity and demand. Eligible expenses may include tolling infrastructure and small roadway modifications to enable tolling if the project will generate an emissions reduction.

Parking pricing can include time-of-day parking charges that reflect congested conditions. These strategies should be designated to influence trip-making behavior and may include charges for using a parking facility at peak periods, or a range of employer-based parking cash-out policies that provide financial incentives to avoid parking or driving alone.

## V. Transit

Many transit projects are eligible for CMAQ funds. The general guideline for determining eligibility is whether the project increases capacity and would likely result in an increase in transit ridership and a potential reduction in congestion. Eligible transit projects may fall in the areas of new or modified transit facilities and vehicles. In addition, conventional or alternative fuel may also be eligible when part of project providing operating assistance for new or expanded transit service under the CMAQ Program.

Transit services include buses, light rail, heavy rail, commuter rail, and ferry operations, as well as small buses and vans providing more customized service. Projects to expand the transit system, such as new bus and shuttle services, can increase mobility by providing new opportunities to reach more destinations. Transit system improvements, such as busways, bus priority systems, and rail projects, often can increase the speed of

transit services, reducing travel time for passengers and attracting people who might otherwise drive.

Advanced transit technologies, which increase the reliability and ease of using transit, and customer amenities, such as benches and shelters, can help to increase the comfort associated with transit and attract customers. New ways of monitoring and maintaining transit fleets through advanced locating devices and equipment monitoring systems help improve the reliability of transit services. Real-time transit information systems provide access to better information about services.

Electronic fare-payment systems, or smart cards, enable passengers to pay for parking, bus, and rail fares, and to easily transfer between transit systems using one smart card, rather than using exact change. CMAQ funds may also be used to subsidize regular transit fares in an effort to reduce emissions; however, these projects must meet a series of eligibility requirements.



## VI. Demand Management

### Travel Demand Management

Travel demand management includes a diverse set of activities that focus on physical assets and services that support better decision-making for travelers choosing modes, times, routes, and locations. The demand for transportation can be moderated by adopting incentives that minimize the aggregate number of Single Occupancy Vehicle (SOV) trips and miles traveled. Such projects can help ease congestion and reduce SOV use—contributing to mobility, while enhancing air quality and saving energy resources. Travel demand management encompasses a diverse set of activities ranging from traditional carpool and vanpool programs to more innovative parking management and road pricing measures.

The following activities are eligible if they are explicitly aimed at reducing SOV travel and associated emissions:

- Fringe parking (park and ride lots)
- Traveler information services
- Shuttle services
- Guaranteed ride home programs
- Carpools, vanpools
- Traffic calming measures
- Parking pricing
- Variable road pricing
- Telecommuting
- Employer-based commuter choice programs

## Other Eligible Activities

Each of the six categories list above (Demand Management, Inspection/Maintenance and other Transportation Control Measures, Pedestrian/Bicycle, Shared Ride, Traffic Flow Improvements, and Transit) may also include Public Education and Outreach Activities, Experimental Pilot Projects, and Public-Private Partnerships.

## Public Education and Outreach Activities

The goal of CMAQ-funded public education and outreach activities is to educate the public, community leaders, and potential project sponsors about connections among trip making and transportation mode choices, traffic congestion, and air quality. Public education and outreach can help communities reduce emissions and congestion by inducing drivers to change their transportation choices. More important, an informed public is likely to support larger regional measures necessary to reduce congestion and meet emission requirements.

## Experimental Pilot Projects

For a project or program to qualify as an experimental pilot, it must be defined as a transportation project and be expected to reduce emissions by decreasing vehicle miles traveled (VMT), fuel consumption, congestion, or by other factors. The Federal Highway Association (FHWA) encourages agencies to creatively address their air quality problems and to experiment with new services, innovative financing arrangements, public-private partnerships, and complementary approaches that use transportation strategies to reach clean air goals.

Given the untried nature of these pilot projects, before-and-after studies are required to determine actual project impacts on air quality as measure by net emissions reduced. These assessments should document the project's immediate impacts in addition long-term benefits. These experimental pilots are not intended to bypass the definition of basic project eligibility but seek to better define the projects' future role in strategies to reduce emissions.

## Public-Private Partnerships

In a Public-Private Partnership, a private or non-profit entity's resources replace or supplement State or local funds and possibly a portion of the Federal-aid in a selected project. Partnerships must have a legal, written agreement in place between the public agency and the private or non-profit entity before a CMAQ-funded project may be implemented. These agreements should be developed under relevant State contract law and should specify the intended use for CMAQ funding; the roles and responsibilities of the participating entities, and how the disposition of land, facilities, and equipment will be carried out should the original terms of the contract be altered. Public funds should not be invested where a strong public benefit cannot be demonstrated. Consequently, CMAQ funds must be devoted only to Public-Private Partnerships that benefit the general public by clearly reducing emissions, not for financing marginal projects.

## Ineligible Activities

### ➤ Highway and Transit Maintenance and Reconstruction Projects

Routine maintenance projects are not eligible for CMAQ funding. Routine maintenance and rehabilitation on existing facilities maintains the existing levels of highway and transit service, and therefore maintains existing ambient air quality levels.

### ➤ Construction of SOV Capacity

Construction projects which will add new capacity for single occupancy vehicles (SOV) are not eligible under this program. For purposes of this program, construction of added capacity for SOV means the addition of general purpose through lanes to an existing facility which are not HOV lanes, or construction of a highway at a new location.

### ➤ Light-duty vehicle scrappage programs

### ➤ Stand-alone projects to purchase fuel

### ➤ Operating Assistance (Transit)

### ➤ Salaries, Fringe Benefits, and Overhead

Salary, fringe benefits, and overhead are not eligible for reimbursement with CMAQ funds in Kentucky. The CMAQ Program will reimburse staff time directly related to an eligible project activity. Fringe benefits may count toward the required local match.

## Additional Eligibility Requirements

### Financial

The Congestion Mitigation and Air Quality (CMAQ) program is a reimbursement program. Therefore, the proposed project shall be selected, approved, programmed, and contracted with the Kentucky Transportation Cabinet prior to the expenditure of any funds included in the request. Any funds expended by the applicant before contract execution shall not be reimbursed. The project shall include a minimum local match of 20 percent of the total project cost. Written confirmation(s) of the match by the appropriate official or contributor is required to be included in the full application.

Only elements of a project deemed eligible shall be reimbursed with CMAQ funds. In-kind contributions (e.g., donated labor, materials, and equipment) may be credited toward the local match if approved by Office of Special Programs. A written request for approval of in-kind contributions toward the match is required.

### Budget and Maintenance Plans

A comprehensive budget as well as a maintenance plan, if applicable, must be attached to the contract executed by the KYTC. Therefore, a detailed, accurate budget is required throughout the application process. Operating and maintenance costs shall be included and the funding source identified.

The total cost estimate provided in the application will be used to determine the amount of funds awarded. A project may receive funds for a reduced scope or in an amount less than requested.

Due to the limited amount of funding, the total project amount funded with CMAQ funds will be the maximum amount reimbursed. If costs exceed the estimate, the sponsor will be responsible for covering the additional costs and must demonstrate the ability to do so. If a sponsor would like to request to reallocate items in the budget, a budget amendment may be submitted to the Office of Special Programs for review. Only two budget amendments will be accepted during the project life cycle.

A maintenance plan, if applicable, should include a description of how the government sponsor plans to maintain the infrastructure funded by the project after all of the CMAQ federal funds have been expended. Sponsors are required to maintain this project in perpetuity for the public.

### Property Management

Federal Highway Administration (FHWA) property management rules require that income generated by the lease, sale, or other use of real property acquired with federal funds shall be on the basis of fair market value. Such income shall be used on this Congestion Mitigation and Air Quality (CMAQ) project or any other Title 23 (transportation) eligible project. Occupancy of any structure constructed or improved with CMAQ funds is restricted to public entities and nonprofit organizations.

## Appraisals

Appraisals for the acquisition of real-property interests or for donation credit shall be prepared in accordance with the KYTC and FHWA policies and guidelines using a KYTC pre-qualified appraiser. No appraisal work is to be started until the appraiser has met with the Division of Right of Way and Utilities appraisal personnel to discuss standards, requirements, and valuation problems that may be encountered on the assignment. Preservation easements shall be required on all properties acquired prior to the reimbursement of funds, and the projects shall provide for the public access. Any appraisal must be reviewed and approved by KYTC Central Office review appraisers. Project sponsors shall submit three (3) copies of the appraisal to the OSP for review.

## Disadvantaged Business Enterprise (DBE)

The DBE Program ensures equal opportunity to socially and economically disadvantaged small businesses. The Kentucky Transportation Cabinet's DBE Directories can be found at: [www.transportation.ky.gov/OBOD/DBE\\_Directory.pdf](http://www.transportation.ky.gov/OBOD/DBE_Directory.pdf)

## Wage Requirements

The Davis-Bacon Act (prevailing federal wage) shall apply to Congestion Mitigation and Air Quality (CMAQ) projects of \$2,000 or greater within the right of way of a federal-aid highway. If the CMAQ project is outside the right of way, the Davis-Bacon Act does not apply. If the cost within the federal-aid highway right of way is greater than \$2,000 for a project partially on and off the right of way, the Davis-Bacon Act applies. Prevailing state wage rates shall apply to all projects with a total cost of \$250,000 or greater. Cost estimates prepared shall consider these requirements.

## Projects shall comply with:

Model Procurement Code as it relates to local public agencies (KRS 45A.343, 345-460)  
Title VI of the Civil Rights Act and Environmental Justice, Disadvantaged Business Enterprise Manual on Uniform Traffic Control Devices (MUTCD)

Other requirements are qualifications-based selection of professional services, including engineering and architectural services, and competitive bidding procedures for construction and related activities in addition to any other applicable requirements for federal funding of the specific project.

## Americans with Disabilities Act (ADA)

A commitment shall be made to comply with ADA accessibility requirements.

ADA Information Lines: 800-514-0301 (voice) 800-514-0383 (TDD)

U.S. Department of Justice ADA web site: <http://www.usdoj.gov/crt/ada/>

## Environmental Compliance

All Congestion Mitigation and Air Quality projects shall conform with:

National Environmental Policy Act (NEPA)  
Section 4(f) of 49 United States Code (USC) 303  
National Historic Preservation Act  
Section 404 of the Clean Water Act

## ADDITIONAL WEBSITE INFORMATION:

### Environmental Protection Agency

<http://www.epa.gov/>

### Federal Highway Administration CMAQ Brochure

<http://www.fhwa.dot.gov/environment/cmaqbroc.pdf>

### Federal Highway Administration CMAQ Program Guidance

<http://www.fhwa.dot.gov/environment/cmaq06gd.pdf>

### Federal Highway Administration CMAQ website

<http://www.fhwa.dot.gov/environment/cmaqpgs/index.htm>

### Kentucky Division of Air Quality

<http://www.air.ky.gov/>

### Kentucky Transportation Cabinet CMAQ

[http://tea21.ky.gov/air\\_quality.asp](http://tea21.ky.gov/air_quality.asp)

## APPLICATION PROCESS

Applicants must complete requirements from both the Kentucky Transportation Cabinet Office of Special Programs and the State Clearinghouse to be considered for funding.

### Office of Special Programs Requirements

To apply for Congestion Mitigation and Air Quality (CMAQ) funds, an applicant must be located in one or more of the eligible areas and be proposing a project that falls in one or more of the eligible categories. If the eligibility criteria are met, the government sponsor should complete the application and submit the completed documents no later than December 31.

The applicant is to submit six (6) identical copies of the full application. Each copy is to be stapled or bound in a folder (but not in a three-ring binder) and is not to exceed one-half inch in thickness. The government sponsor is to keep the original and at least one copy for its use. The applicant is to identify clearly the government sponsor and the project title on the front of the application packet.

If a proposed project is located within an urbanized area, the applicant is to submit the completed application to the appropriate Metropolitan Planning Organization (MPO). Please see pages 88-89 for a list of the MPOs and contact information. The MPOs will review and provide a prioritized recommendation to the Kentucky Transportation Cabinet (KYTC).

If the proposed project is not located in an urbanized area the application should be submitted directly to the KYTC Office of Special Programs (OSP). The OSP requires that the application packet be postmarked by December 31. The OSP shall not accept applications postmarked after that date.

**Applications for all projects not in an urbanized area should be submitted to:**

Kentucky Transportation Cabinet  
Office of Special Programs: CMAQ  
200 Mero Street, 6th Floor  
Frankfort, KY 40622

**State Clearinghouse Requirements**

Pursuant to Presidential Executive Order 12372, the applicant shall submit to the State Clearinghouse for Intergovernmental Review 10 copies of only the following before submitting the full application to the Office of Special Programs (OSP):

- Cover letter identifying the funding program
- Application for Federal Assistance (424 form)
- Brief narrative describing the project
- Detailed budget
- 8 ½" x 11" topographical map clearly showing the activity for which funding is sought

The Area Development Districts (ADDs) can assist with this activity. A list of the ADDs and their contact information is located at the end of this guidebook.

The State Clearinghouse does not require that the requesting agency submit the entire application as sent to the OSP. A link to the State Clearinghouse may be found at [www.gold.ky.gov/clearinghouse](http://www.gold.ky.gov/clearinghouse).

**The applicant shall submit these documents to:**

Governor's Office for Local Development  
State Clearinghouse  
1024 Capital Center Drive, Suite 340  
Frankfort, KY 40601

If a proposed project is located within an urbanized area, the applicant is to submit an additional copy of these documents to the appropriate Metropolitan Planning Organization (MPO). See pages 88 and 89 for a list of MPOs and addresses.

## Review Process

After the deadline, each Metropolitan Planning Organization (MPO) will review the applications received and will submit all applications to the Office of Special Programs (OSP) with a prioritized list of projects. The proposed projects will be sent to the Division of Air Quality (DAQ) for review and comment. The OSP will then conduct a thorough review of each application and organize the applications for review by the Congestion Mitigation Advisory Committee, selected by the Executive Director of the OSP. The Committee may include, but is not limited to, a representative from each of the following:

- Division of Planning
- Environment and Public Protection Cabinet Division of Air Quality (EPPC-DAQ)
- Governor's Office of Local Development (GOLD)
- KYTC Office of Transportation Delivery
- Metropolitan Planning Organizations (MPOs)
- State Bicycle/Pedestrian Coordinator
- Executive Director of the OSP

## Office of Special Programs (OSP) Selection Criteria

The SAFETEA-LU legislation directs States and MPOs to give priority to two categories of funding. First, to diesel retrofits, particularly where necessary to facilitate contract compliance, and other cost-effective emission reduction activities, taking into consideration air quality and health effects. Second, priority is to be give to cost-effective congestion mitigation activities that provide air quality benefits. Other factors that will be considered in the selection process are:

- Air Quality Benefits
- Demonstrated need for the project
- Benefit to the community (i.e., reduced emissions)
- Widespread community support
- Relationship to local, regional, and statewide plans/initiatives
- Prioritization by MPO
- Project cost, availability of matching funds to complete the project, ability to leverage other funding, and plans to provide ongoing maintenance costs
- Reliable budget and engineering estimates
- Demonstrated ability to administer funding, including previous CMAQ funds
- Project readiness for implementation
- Overall distribution of CMAQ funds and the mix of projects representing a number of eligible categories

The Executive Director of the OSP shall then provide recommendations to the Secretary of the Transportation Cabinet for review. Upon that review, the OSP shall forward approved recommendations to the Governor's Office for review.

The OSP will submit a list of the projects to the Kentucky Division of the Federal Highway Administration (FHWA) for an eligibility determination.

## Announcement of Awarded Projects

The Office of Special Programs shall announce the names of the fund recipients in early summer. Each recipient shall then submit a revised application in which the amount of the budget matches the announced funding amount and any items deemed ineligible have been removed. Once the recipient acceptably revises the application, the Kentucky Transportation Cabinet (KYTC) shall submit to the Federal Highway Administration (FHWA) the project information for programming of funds for reimbursement. The recipient shall enter into a contract with the KYTC. Any action the recipient takes prior to the execution of this contract by the KYTC shall not be eligible for reimbursement or count towards the required local match unless specifically approved in advance by the Cabinet.

## Workshop

After the Office of Special Programs (OSP) announces the awards, recipients of funds shall attend a mandatory OSP workshop regarding the implementation of the funds. The OSP may provide a choice of dates and locations. Failure to participate in an implementation workshop can result in the reassignment of funds to another project.

## Contracting

Following the announcement of Congestion Mitigation and Air Quality (CMAQ) funding, the project application is sent to the Division of Environmental Analysis (DEA) for clearance. Upon approval from the DEA, the project is submitted to the Kentucky Transportation Cabinet (KYTC) Programming for inclusion in the Statewide Transportation Improvement Plan (STIP) and the Transportation Improvement Plan (TIP), if applicable. Following legal review, the CMAQ contract is routed to the sponsor for signatures and a city or county resolution accepting the contract. Once the project completes the programming stage and the sponsor submits the contract to the Office of Special Programs (OSP), the contract will be submitted to the KYTC Secretary for final execution. The fully executed copy of the contract will be sent via mail to the sponsor. No work can commence until the sponsor receives the fully executed contract from the KYTC.

## Submission of Plans

If the project requires creation or modification of infrastructure, the sponsor must submit all final plans and specifications to the (OSP) for review. **Construction cannot start until the plans are approved by the OSP and written documentation has been sent to the project sponsor.** All applicants are encouraged to work with the historic preservation coordinator within the OSP during the design and preparation process of the final plans. Once submitted to the OSP, the plans will be reviewed within thirty (30) days by the OSP's historic preservation coordinator for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Americans with Disabilities Act Guidelines, and the Kentucky Heritage Council's Streetscape Design Guidelines for Historic Commercial Districts as applicable to each project.

After the initial review, the OSP will make a recommendation and the plans will be sent to the Kentucky Heritage Council (KHC) for additional review and compliance of the above guidelines. The KHC also has a thirty (30) day review period. If at any time during the review process there are problems, or if changes are necessary with the plans and specifications, new plans illustrating the changes may be required to be submitted for review. Upon completion of the review, the KHC will send a recommendation back to the OSP. The OSP will notify the project applicants by letter with the results of the reviews.

### Reimbursement

There are several steps a sponsor must follow in order to be reimbursed for incurred expenses.

- Submit the official Office of Special Program invoice form signed by the sponsor.
- Document the contract number in all correspondence.
- Include a brief description of the invoices and work completed.
- Support the invoices with detailed receipts and cancelled checks.
- All receipts and invoices must have a header with the name and address of the vendor.
- A description of the services or items purchased must be included.
- Identify the amount of Disadvantaged Business Enterprise (DBE) participation for each invoice submitted.
- Document the funding match with time sheets, property documents, and records of in-kind contributions.

### Progress Report

The Project contact shall send a progress report to the Office of Special Programs (OSP) at the end of each calendar year. The report shall include at a minimum:

- Current status of the project
- Funds expended
- Detailed timeline for completion of the project
- Justification for the delay if the project is behind schedule

### Timeline

The applicant should be prepared to provide information necessary for programming the funds and entering into a contract agreement with the Kentucky Transportation Cabinet within one (1) year after the announcement. If the contract agreement is not executed within one (1) year of the announcement, funds may be recaptured.

When funds are programmed and a contract agreement executed, the recipient of funding shall have three (3) years to complete the project. Failure to show substantive progress toward completion within the three (3) years may result in the cancellation of Congestion Mitigation and Air Quality (CMAQ) funding.

## Project Closure

When the project is completed, the sponsor should submit the final invoice along with the project closure form to the Kentucky Transportation Cabinet (KYTC) Office of Special Programs (OSP). After this form is submitted, the OSP will audit the project site and the final invoice will be processed. The sponsor will be paid either the balance remaining on the total funding award or the amount of the final invoice, whichever is less.



Cumberland Falls, Corbin, Kentucky  
Cumberland Cultural Heritage Highway

## SCENIC BYWAYS & HIGHWAYS

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## Overview

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 established a Scenic Byways Advisory Committee to develop a national scenic byways program. ISTEA further encouraged individual states to institute a state scenic byways program. ISTEA has been reaffirmed and reauthorized by the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) and the latest federal law Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) providing funding for the program.

A Scenic Byway or Highway has roadsides or view-sheds with scenic (aesthetic), natural, cultural, historical, archeological and/or recreational value worthy of preservation, restoration, protection, and enhancement. Scenic highways are roads which meet the American Association of State Highway and Transportation Officials (AASHTO) guidelines for highways and are state maintained as part of the state Primary Road System. These roads carry greater traffic volumes at higher travel speeds than scenic byways. Scenic byways are roads of lower traffic volumes and slower travel speeds. These byways by statute are locally maintained roadways with safety of travel as a prime consideration.

The KYTC has oversight responsibility for the Scenic Byways and Highways Program. The KYTC serves to:

- Establish specific criteria for designation as a scenic byway or highway
- Review applications for designation to statewide scenic system
- Officially designate routes as part of statewide scenic system
- Oversee statewide signage and promotion (In corporation with the Department of Tourism in the Commerce Cabinet)
- Administer funds for projects related to the scenic system
- Be a central repository and clearinghouse for information
- Provide technical support
- Provide for safety and service of traveling public
- Ensure integrity of system through oversight and de-designation when appropriate
- Work with Federal Highway Administration (FHWA) to incorporate any applicable Kentucky scenic route into the national network

When the KYTC places a route on the Kentucky Scenic Byways and Highways network, the Cabinet is only designating the actual roadway and the associated declared right-of-way. Designation as a scenic route will not affect the level of maintenance or the agency responsible for maintenance. The ongoing responsibility and concern shall be to ensure safety and travel service on the road.

**Designation of a route as a Scenic Byway or Highway shall in no way be construed as prohibiting the Kentucky Transportation Cabinet from making transportation-related improvements as deemed appropriate by the cabinet.**

Construction and maintenance procedures for the roads with scenic designation may be developed to reasonably provide for the safety and service of the traveling public.

Projects may be accomplished by the KYTC to mitigate safety problems or improve the quality of the road. If designation as a scenic route jeopardizes public safety, the Cabinet can and will deny and/or remove the route from the Scenic Byways and Highways Program.



McNeils Crossing --KNOX COUNTY Wilderness Road National Scenic Byways

### Designation

The KYTC envisions a Scenic Byways and Highways Program based on strong local and/or regional support and commitment. Applicant groups are to unite public and private support and resources along the route. They are to prepare the application for designation of the route as part of the state scenic program. Applicant groups will have primary responsibility for the ongoing monitoring of the scenic qualities of the viewshed or adjacent land areas. Failure to act responsibly in this management role may result in the loss of the qualities which make the route scenic. Changes in the scenic character may result in review by the KYTC and possible removal of the designation as a Scenic Byway of Highway.

The KYTC views the Scenic Byways and Highways program as a unique opportunity for government, private citizens, and organizations through cooperative efforts to protect the state's natural scenic resources, promote tourism, foster associated economic development, and maximize the potential of little traveled or bypassed roads.

### Designation Application Process

Any interested party can nominate a route, including individuals; local governments; tourism departments; non-profit organizations; state and federal agencies; or byways groups formed of citizens, or local governments. The party nominating the byway or highway is the "byway leader" and "sponsor."

Sponsors may apply for Scenic Byway or Highway designation at any time throughout the year. Applicants should complete the full Scenic Byways and Highways application

for consideration (TC 20-26E, formerly TC 52-200), found at the OSP website. Six (6) identical copies of the full application should be submitted to the OSP. Each copy is to be bound (but not in a three-ring binder). The government sponsor is to keep the original and at least one copy for its use. The applicant is to identify clearly the sponsor and the project title on the front of the application packet.

\*To extend a previously designated Scenic Highway or Byway, the designation process listed above must be followed.

The applicant is to submit the application packet to:

**Kentucky Transportation Cabinet  
Office of Special Programs  
Scenic Byways & Highways  
200 Mero Street, 6<sup>th</sup> Floor  
Frankfort, KY 40622**



Natural Bridge Arch, Red River Gorge National Scenic Byway,  
Wolf County, Kentucky

The following criteria will be considered equally in evaluating State Byway and Highway designation applications:

### *Significance of Intrinsic Qualities*

The regional significance of the Intrinsic Quality(s) as directly related to the road. The six (6) intrinsic qualities as defined on [www.bywaysonline.org](http://www.bywaysonline.org) are as follows:

#### *Archaeological Quality*

Involves those characteristics of the scenic byways corridor that are physical evidence of historic or prehistoric human life, or activity that are visible and capable of being inventoried and interpreted. The scenic byways corridor's archeological interest, as

identified through ruins, artifacts, structural remains, and other physical evidence have scientific significance that educate the viewer and stir appreciation for the past.

### *Cultural Quality*

Evidence and expressions of the customs or traditions of a distinct group of people. Cultural features including, but not limited to, crafts, music, dance, rituals, festivals, speech, food, special events, vernacular architecture, etc., are currently practiced. The cultural qualities of the corridor could highlight one or more significant communities and/or ethnic traditions.

### *Historic Quality*

Encompasses legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or manmade, that are of such historic significance that they educate the viewer and stir an appreciation for the past. The historic elements reflect the actions of people and may include buildings, settlement patterns, and other examples of human activity. Historic features can be inventoried, mapped, and interpreted. They possess integrity of location, design, setting, material, workmanship, feeling, and association.

### *Natural Quality*

Applies to those features in the visual environment that are in a relatively undisturbed state. These features predate the arrival of human populations and may include geological formations, fossils, landform, water bodies, vegetation, and wildlife. There may be evidence of human activity, but the natural features reveal minimal disturbances.



Via Ferrata Climbing Adventure, Red River Gorge  
National Scenic Byway, Wolf County, KY

### *Recreational Quality*

Involves outdoor recreational activities directly associated with and dependent upon the natural and cultural elements of the corridor's landscape. The recreational activities provide opportunities for active and passive recreational experience. The recreational

activities may be seasonal, but the quality and importance of the recreational activities as seasonal operations must be well recognized.

### *Scenic Quality*

The heightened visual experience derived from the view of natural and manmade elements of the visual environment of the scenic byway corridor. The characteristics of the landscape are strikingly distinct and offer a pleasing and most memorable visual experience. All elements of the landscape-landform, water, vegetation, and manmade developments-contribute to the quality of the corridor's visual environment. Everything present is in harmony and shares in the intrinsic qualities.

### *Unique Experience*

Quality and quantity of points of interest and available activities along the byways that illustrate one or more intrinsic qualities which are distinct and most representative of the region.

### *Preparedness*

Demonstrated readiness of byways communities and service providers to promote the resources of the corridor and share the story of the intrinsic quality(s).

### *Continuity and Wayfinding*

How travelers learn about and increase their understanding of the intrinsic quality(s) and its relationship to the road.

### *Community Involvement and Support*

Support of local communities, agencies, organizations, and residents. Documentation that demonstrates the applicant has assessed support and opposition to designation efforts.

### *Designation Process*

The Scenic Byways Advisory Committee (SBAC), which is made up of the State Scenic Byways & Highways Coordinator, a representative from the Office of Special Programs, the state Bicycle-Pedestrian Coordinator, and a Department of Tourism representative, which will review each application for designation. The SBAC will make a recommendation to the Transportation Tourism Interagency Committee (TTIC), who also reviews the application. The TTIC will then forward its recommendation to the KYTC Secretary who will make the final decision.

The SBAC and TTIC also advise the Secretary on de-designations of byways and highways that have deteriorated from the condition which they were originally designated.

## National Scenic Byways

With support from their State Scenic Byways and Highways Coordinator, byway leaders may nominate any Kentucky Scenic Byway or Highway for possible designation by the U.S. Secretary of Transportation as a National Scenic Byway or All-American Road (note: there is no national distinction between scenic highways and scenic byways). Careful thought and significant effort should go into each national nomination. Stakeholders need to know what benefits could result from the designation and what their responsibilities are when they become part of the collection of America's Byways®. For more information on how to nominate a Kentucky Scenic Byway or Highway for national status, please contact your state Scenic Byways Coordinator. More information may also be found at [www.bywaysonline.org](http://www.bywaysonline.org).



The Kentucky Music Hall of Fame at Renfro Valley, Country Music Highway

## Regulations

Federal law prohibits new billboard construction along nationally designated scenic byways that are interstate, National Highway System, or Federal-aid Primary Highways. Existing billboards are allowed to remain. Regarding state-designated byways and highways, Kentucky law is consistent with Federal law on advertising devices for scenic highways or those highways which are state maintained. However, Kentucky law is more restrictive including, limited access highways and turnpikes as additional roadways on which advertising is further exempted. Existing billboards that were legal or designated as nonconforming on the date the highway was designated scenic are allowed to remain on the scenic byway or highway.

## Funding

Kentucky's Scenic Byways and Highways are eligible to apply for federal project funding. There is a required minimum funding match of 20% of the total project cost. Applicants should apply directly to the federal government through [www.grant.gov](http://www.grant.gov). More information including detailed instructions on how to apply and what types of projects are eligible will be available to applicants on [www.bywaysonline.org](http://www.bywaysonline.org) as the application cycle approaches.

The KYTC administers all Scenic Byways and Highways project funds awarded from the federal government. Following the announcement of Scenic Byways and Highways funding, the OSP will send the project application to the Division of Environmental Analysis (DEA) for clearance. Upon approval from the DEA, the project will be submitted to KYTC Division of Program Management for inclusion in the State Transportation Improvement Plan (STIP) and the Transportation Improvement Plan (TIP) (if applicable). Following legal review, the Scenic Byway or Highway project contract is routed to the sponsor for signatures and a resolution accepting the contract. Once the project completes the programming stage and the sponsor submits the contract back to the OSP, the contract will be submitted to the KYTC Secretary for final execution. The fully executed copy of the contract will be sent via mail to the sponsor. No work can commence until the sponsor receives the fully executed contract from the KYTC.

## Reimbursement

There are several steps a sponsor must follow in order to be reimbursed for incurred expenses:

- Submit the official OSP invoice signed by the sponsor
- Document the contract number on all correspondence
- Include a brief description of the work completed in each invoice
- Support the invoices with detailed receipts and cancelled checks
- All receipts and invoices must have a header with the name and address of the vendor
- A description of the services or items purchased must be included
- Identify the amount of Disadvantaged Business Enterprise (DBE) participation for each invoice submitted
- Document the funding match with time sheets, property documents, and records of in-kind contributions



Photo by Keith Lovan

## BICYCLE & PEDESTRIAN PROGRAM

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## Bicycle and Pedestrian Program

### Mission

To serve the needs of bicyclists and pedestrians within the state by supporting and encouraging bicycling and walking as forms of transportation and recreation.

To provide a safe, efficient, environmentally sound and fiscally responsible transportation system that enhances the quality of life of Kentuckians.

### Overview

In 1991, Congress passed the Intermodal Surface Transportation Efficiency Act (ISTEA) recognizing the increasingly important role of bicycling and walking as a mode of transportation, and required states to establish and fund a bicycle and pedestrian coordinator.

In response to ISTEA, the General Assembly, in 1992, passed House Bill 174.125 establishing a statewide bicycle program, appointed a bicycle-pedestrian coordinator, and created the Kentucky Bicycle and Bikeway Commission to help represent the interests of cyclists statewide.

### Purpose

Why do we need this program?

- 48% of all trips are less than 3 miles in length (a 10-minute bike ride or a 30-minute walk), over one third of U.S. adults say they would commute by bike if safe facilities were available and one third of the population does not drive an automobile according to the *1995 National Personal Transportation Survey (NPTS)*, *Bureau of Transportation Statistics (2001 Data)*.
- The cost of operating a car for one year is approximately \$5,170 (*AAA Mid-Atlantic*), while the cost of operating a bicycle for one year is only \$120 according to the *League of American Bicyclists*
- 76% of Kentucky children do not have physical education daily.

- 60% of children, aged 5-10 years old, have at least one cardiovascular disease risk factor.
- 70% of Kentucky men and 50% of Kentucky women are either overweight or obese.
- According to a study performed by the North Carolina Department of Transportation Bicycle and Pedestrian Division, bicycling opportunities can provide an economic impact of \$60 million annually and that the addition of bicycling facilities improves the safety of the transportation system for all users.

The Kentucky Bicycle and Pedestrian program was established to support and encourage bicycling as a viable form of transportation. It is also available to prepare, assist and promote bicycle and safety programs throughout the state and to recommend opportunities where bicycle-pedestrian facilities can be included in proposed highway improvements.



Photo by Dan Burden

### Current Bicycle and Pedestrian Status

Many communities throughout the state have realized the importance of integrating bicycle and pedestrian facilities into their transportation system. With the 2005 passage of SAFETEA-LU (Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users), Congestions Mitigation & Air Quality (CMAQ), Safe Routes to School (SRTS), and Transportation Enhancement (TE) programs have all seen increases in their funding go toward bicycle-pedestrian facilities.

With this increased funding, many cities throughout Kentucky have made great strides in becoming bike and pedestrian friendly. Some have earned national recognition for making improvements to become bike friendly. Various city bus systems have installed bike racks on their buses, and others have added bike lanes to their current highway system or implemented initiatives to promote bicycling and bicycle safety.



Photo by Keith Lovan

### Ongoing and Completed Projects of the Bicycle/Pedestrian Program

The following are projects that the Kentucky Bicycle and Pedestrian Program has completed or are currently in progress:

- Updated the Kentucky Bicycle Tours Guide
- Created an interactive mapping website to aid cyclists in planning their cycling trips through Kentucky.
- Held the 2nd annual *Share the Road Rally* which was attended by over 200 cyclists from across Kentucky.
- Updated the Bicycle and Pedestrian Program website. <http://bikewalk.ky.gov>
- Currently planning the 2008 Statewide Bicycle and Pedestrian Conference.
- Currently preparing the State Bicycle and Pedestrian Plan and revising the Bicycle and Pedestrian Policy.
- Currently organizing bicycle and pedestrian training workshops for state engineers and planners.

### Future Goals of the Bicycle/Pedestrian Program

The Bicycle-Pedestrian program has many goals to help move Kentucky forward to becoming a more bicycle and pedestrian friendly state. A few of them are:

- Implementing a statewide bicycle safety and maintenance program.
- Implementing a program for communities to become familiar with Kentucky's bicycling laws and statutes.
- Better promotion of events pertaining to bicycling.
- Continued promotion of the Rails to Trails program.

## Kentucky Bicycle and Bikeway Commission

The Kentucky Bicycle and Bikeway Commission (KBBC) was established to represent the interests of bicyclists state-wide, provide assistance to the bicycle and pedestrian program, and to promote the best interests of the bicycling public to governing officials and the public at large.

The current KBBC members:

Ms. Martha Emmons, Chair  
Paducah, KY  
[info@bikeworldky.com](mailto:info@bikeworldky.com)

Mr. William T. Gorton  
Lexington, KY  
[wgorton@stites.com](mailto:wgorton@stites.com)

Mr. John Andrew Dixon  
Danville, KY  
[john@dixondesign.com](mailto:john@dixondesign.com)

Mr. Charles Holbrook  
Ashland, KY  
[Cholbrook@holbrookandpitt.com](mailto:Cholbrook@holbrookandpitt.com)

Mr. Jack Eicher  
London, KY  
[jceicher@adelphia.net](mailto:jceicher@adelphia.net)

Bobby Webb  
Bowling Green, KY  
[Bwebbcpa@bellsouth.net](mailto:Bwebbcpa@bellsouth.net)



## WEB RESOURCES:

America Bikes  
[www.americabikes.org](http://www.americabikes.org)

Adventure Cycling  
[www.adventurecycling.org](http://www.adventurecycling.org)

Bikes Belong

[www.bikesbelong.org](http://www.bikesbelong.org)

League of American Bicyclists

[www.bikeleague.org](http://www.bikeleague.org)

National Center for Bicycling and Walking

[www.bikewalk.org](http://www.bikewalk.org)

Rails to Trails Conservancy

[www.railtrails.org](http://www.railtrails.org)

Kentucky Rails to Trails

[www.kyrailtrail.org](http://www.kyrailtrail.org)

Federal Highway Administration Bicycle Pedestrian Program

[www.fhwa.dot.gov/environment/bikeped/index.htm](http://www.fhwa.dot.gov/environment/bikeped/index.htm)

Kentucky Transportation Cabinet Bicycle/Pedestrian Program

<http://bikewalk.ky.gov/>



## TOURIST SIGNAGE PROGRAMS

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## Overview

The Tourist Signage Programs were established to benefit the traveling motorists by providing directional guidance to attractions, while improving local economies through increased tourism. Signage is an integral part of Kentucky's transportation system, with a primary purpose of guiding motorists to the desired destinations safely and effectively. The programs provide a means for local governments to productively utilize the state's highway network to encourage motorists to visit their communities.

Signs for tourist attractions are installed along Kentucky's interstates, parkways, and other controlled access roadways through the Limited Supplemental Guide Sign (LSGS) Program. These attractions must contribute significantly to the state's tourism efforts and demonstrate strong regional support. Post-interchange guide signs are included in the LSGS Program. Signs are installed along conventional highways for tourist attractions of local and regional interest through the Cultural & Recreational (C&R) Guide Sign Program; local governments are encouraged to prepare comprehensive way-finding signage plans to improve tourism in their community.

Local government agencies may apply for the Tourist Signage Programs. Historically, Convention and Visitors Bureaus (CVBs) and Tourist Commissions have effectively prepared signage proposals through identifying the needs of the community, while working cooperatively with the County Judge/Executive's and City Mayor's Offices. Signage proposals are to serve a public purpose through increased tourism, economic development, and improved traffic control.

The government sponsor is responsible for soliciting public support prior to submitting the signage proposal. Also, the sponsor is responsible for obtaining required funds or making payment arrangements with individual attractions for the cost of signage. Attractions must meet the eligibility requirements; sponsors must ensure this and collect necessary documentation. The sponsor is required to make all arrangements for long-term maintenance and identify ongoing tourist sign needs.



## Eligibility & Availability

An attraction must fall into one of the eligible categories to qualify for participation in the Tourist Signage Programs.

### *Eligible Categories*

Cultural  
Historical  
Recreational  
Agricultural  
Educational  
Entertainment

### *Attraction Eligibility*

Each attraction shall comply with all applicable local, state, and federal laws including those prohibiting discrimination based on race, religion, color, sex, age, disability, or national origin. Requirements outlined in Kentucky Revised Statutes KRS 177.076-177.078 and Kentucky Administrative Regulations 603 KAR 4:045-4:050 must be adhered to for eligibility. If an attraction is in noncompliance of any of these laws or guidelines, it may be considered ineligible for participation in the programs. Approval will not be granted if the attraction is using an illegal sign at any location in the state.

Attractions are eligible for signage through the LSGS Program if they are located within 50 miles of the exit. The attraction must be within 20 miles of the intersection to be eligible for C&R signage, or up to 50 miles if there is a corresponding Limited Supplemental Guide Sign.

*An attraction shall meet the following requirements to be eligible for participation in the Programs:*

The attraction shall be open to the general public during regular and reasonable hours, and not by appointment or reservation only. The attraction shall be open a minimum of eight (8) hours a day, five (5) days a week, one (1) of which is a weekend. The activities shall be conducted in an appropriate building or area, and not in a building principally used as a residence unless there is a convenient, separate, and well-marked entrance. The facilities must be maintained in a manner consistent with standards generally accepted for that type of activity. The attraction must maintain adequate parking on site or nearby the facility.

A family entertainment center is eligible if the facilities contain a minimum of fifty thousand (50,000) square feet of building space and are located on property encompassing at least five (5) acres adjacent or complementary to a cultural, recreational, or entertainment facility, or natural recreational area. Family entertainment centers shall provide a variety of entertainment and leisure options, and at least sixty

percent (60%) of the developed property must be devoted to entertainment and food options. The facilities must contain at least one (1) restaurant and two (2) additional venues including but not limited to: live entertainment, concert halls, museums, zoos, or other cultural, recreational or leisure activities. Stand alone shopping centers are not an eligible attraction.

To be eligible for the LSGS Program, the attraction must be a destination where out-of-town visitors would stay overnight in commercial lodging near the tourism area. The attraction shall have a documented annual attendance exceeding 75,000 visitors in the Lexington or Louisville areas, or 10,000 annual visitors in other areas of the state. Historical attractions must have a minimum 5,000 annual visitors. There are no minimum visitor attendance requirements for an attraction to be eligible for the C&R Program.

Ineligible attractions include: gas, food, lodging (including bed and breakfasts), and retail facilities. Temporary attractions are not eligible for the LSGS Program.

### *Temporary Agritourism Attraction Eligibility*

To be eligible for participation in the Cultural & Recreational Guide Sign Program, temporary agritourism attractions shall be open a minimum of six (6) hours a day, five (5) days a week, one (1) of which is a weekend. The attraction shall be open to the general public and not by appointment or reservation only. The attraction shall be conducted in an appropriate building or area, which shall be maintained in a manner consistent with standards generally accepted for that type of activity. The attraction shall maintain off-road parking on-site or nearby the facilities at a minimum.

Ineligible attractions include: gas, food, lodging (including bed and breakfasts), and retail facilities. Temporary agritourism attractions are not eligible for participation in the Limited Supplemental Guide Sign Program.

### *Availability*

The terrain and existence of regulatory signs may not allow for tourist signs to be installed.

Signs are to be installed through the LSGS Program prior to the exit of the most direct route to the attraction. Federal guidelines limit the number and spacing of Limited Supplemental Guide Signs installed along Kentucky's highway system. Signs erected along interstates and parkways must be spaced a minimum of 800 feet apart. No more than 2 supplemental guide signs are allowed at each exit per direction, and each sign may have up to 2 messages. Post-interchange guide signs are to be installed 20 and 10 miles in advance of the exit, and require an existing LSG sign at the exit.

Signs installed through the Cultural & Recreational Guide Sign Program must have a minimum of 200 feet between each sign or other traffic control devices. Up to 4 signs may be installed on each sign assembly, and up to 2 assemblies per direction are allowed at each intersection.

## Application Process

Government sponsors must complete requirements from both the Kentucky Transportation Cabinet Office of Special Programs and the Department of Highways to be eligible for signage.

## Proposal Submittal Requirements

The sponsor is to submit the original proposal stapled or bound in a folder. The sponsor is to keep at least one copy for its use. The following documents shall be included:

### Office of Special Programs Tourist Signage Program Application

This includes the Program application (TC 20-28) and Attraction Eligibility application (TC 20-28a). These can be obtained by visiting the OSP website at [www.tea21.ky.gov](http://www.tea21.ky.gov). Separate Attraction Eligibility applications shall be submitted for each individual attraction.

### Signing Incentives Program application\* signed by Sponsor (TC 20-29) (if applicable)

Sponsor shall clearly identify any past or present Transportation Enhancement (TE) projects that would be eligible for signage. If no TE projects have occurred but the attraction should be eligible, a detailed description of the activities and justification for eligibility is required. By signing the Signing Incentives Program application the sponsor is responsible for ensuring the project is maintained in perpetuity and in accordance with TE Program requirements.

### Evidence of Community Support

The sponsor must provide evidence of community and regional support, such as letters and/or resolutions from County, City, and regional officials.



## Limited Supplemental Guide Sign Program additional requirements

### Verification of Visitor Attendance

The sponsor must provide adequate documentation that the attraction meets the minimum visitor requirements. All numbers must be accurate and verifiable. Acceptable methods of verifying annual visitor attendance are through review of annual ticket sales, attendance verified by turnstiles or hand count, annual

events that bring in documented verifiable totals, or log books. Other methods must be approved by the OSP in advance of proposal submittal.

Application payment

Sponsor shall submit a check for \$200 per attraction requesting LSG signs made out to the Kentucky State Treasurer to cover administrative costs. This is not refundable, but will count towards the cost of the signage if the attraction is approved for participation in the Signage Incentives Program.

*Cultural & Recreational Guide Sign Program additional requirements*

Department of Highways Encroachment Permit application (TC 99-1E)

Encroachment permit applications shall be signed by the Mayor for all requested sign locations on state routes within city limits. Encroachment permit applications shall be signed by the County Judge/Executive for all requested sign locations on state routes outside city limits. Separate encroachment permits shall be submitted if necessary. The County Fiscal Court or City Council may pass a resolution authorizing the sponsor (such as Director of the Tourism Commission) to sign on their behalf.

Signed consent and release forms for any requested sign locations on private property

Signs to be installed on private property along with the signage proposal must have a signed consent and release form from the property owner. The private property owner must explicitly allow the sponsor to erect and be responsible for any signs on their property and hold harmless the Cabinet for any incidents that may occur.

Temporary Agritourism Site application\* along with proof of general liability insurance

The OSP will forward this application to the Kentucky Department of Agriculture for review by the Agritourism Advisory Council. This form is not required of agritourism attractions that meet the general eligibility requirements (8 hours per day, 5 days a week, and adequate on-site parking).

Maps designating attractions and sign locations

An area map should be provided showing the attraction and sign locations. Smaller scaled maps should be submitted to review any downtown or urbanized area.

\*If applicable

*Proposals must be legible and complete. Incomplete proposals will be returned to the sponsor.*

Signage proposals shall be submitted to:

Kentucky Transportation Cabinet  
Office of Special Programs: Tourist Signage Programs  
200 Mero Street, 6th Floor  
Frankfort, KY 40622

### *Review Process*

Upon receipt of a proposal, the OSP will conduct a thorough review of adherence to OSP Guidelines. If the sponsor has included an application for the Signing Incentives Program, the OSP will determine the eligibility for funds.

If the Program and Attraction Eligibility applications are acceptable, OSP forwards the appropriate applications to the Department of Highways for their review.

If the proposal includes signs in the Limited Supplemental Guide Sign Program, the Divisions of Traffic and Maintenance shall conduct a review of whether sufficient space is available on the roadway for the sign. The Attraction Eligibility and Signing Incentives Program (if applicable) applications shall be forwarded to the Transportation Tourism Interagency Committee (TTIC), which consists of 6 members from Transportation, 6 members from Tourism, and a representative from the Kentucky Heritage Council. These meetings are open to the public, and the government sponsor shall be advised of any hearings through public meeting notices or direct correspondence. The TTIC shall review the applications and make a recommendation for approval or denial.

If the proposal includes C&R signs, the Encroachment Permit application is forwarded to the appropriate District office for review by engineers in the Permits and Traffic Branches. They shall review the requested locations for adherence to encroachment permit requirements, and if acceptable the Executive Director of the District office will approve the permit. Two copies of the permit will be sent to the sponsor, and a copy will be provided to the OSP. If the attraction is determined to be eligible for the Signing Incentives Program, a cost estimate is provided to the Transportation Tourism Interagency Committee for review and approval. If the sponsor has included an application for a Temporary Agritourism Site, the OSP will forward it to the Department of Agriculture to be reviewed by the Agritourism Advisory Council. The Department of Agriculture will advise OSP when the application is approved or denied.

The Commissioner of Governmental Relations shall take into consideration recommendations from the Department of Highways, TTIC, and Agritourism Advisory Council for approval or denial. The sponsor will be notified in writing.

### Financial

#### *Limited Supplemental Guide Signs*

The Cabinet shall enter into a contractual agreement with the sponsor prior to the work order being released to begin fabrication of the sign. For each sign, the sponsor is responsible for the first \$5000 per message. The Department of Highways will cover the additional costs. The sponsor may enter into an agreement with the individual attractions to outline who is responsible for payment of the sign. However, all correspondence and contracts from OSP will be with the government sponsor. The sponsor will be billed once the signs have been inspected. The sponsor is responsible for maintenance of the sign. Sponsors are responsible for the entire cost of Post-interchange guide signs.

If approved for participation in the Signing Incentives Program, the sponsor will be billed 20% of the cost of sign fabrication and installation. The sponsor must maintain the sign in perpetuity for the public good. If the attraction becomes ineligible and the sign is subsequently removed, the sponsor will be required to repay the federal funds used for sign erection and installation.

### *Cultural and Recreational Guide Signs*

The cost of sign fabrication, erection, and maintenance is the responsibility of the government sponsor. The sponsor may enter into an agreement with the individual attractions to outline who is responsible for payment of the sign. However, all correspondence and contracts from OSP will be with the government sponsor.

The Kentucky Transportation Cabinet currently offers statewide contractors to install signs at competitive rates. A cost estimate can be provided at the sponsor's request to determine the most cost effective method. If the sponsor elects to utilize the KYTC Contractor, the signs will be fabricated and installed. Once the signs have been inspected, the sponsor will be billed for the cost of the signs and installation. The sponsor is responsible for maintenance of the sign.

If the sponsor has been approved for participation in the Signing Incentives Program and utilizes the KYTC Contractor, the sponsor will be billed its portion of the cost of the signs. The sponsor is responsible for maintenance of the sign. If the sponsor does not maintain the sign in perpetuity or the attraction becomes ineligible, the sponsor will be required to repay the federal funds used for initial fabrication and installation if the sign is removed.

Local governments may elect to utilize an outside contractor or city/county forces to fabricate and install the signs. If the sponsor has been approved for participation in the Signing Incentives Program, the cost estimate must be approved by the OSP before work may begin. All Transportation Enhancement requirements must be followed, including adherence to Model Procurement Codes. The sponsor is responsible for maintenance of the sign. If the sponsor does not maintain the sign in perpetuity or the attraction becomes ineligible, the sponsor will be required to repay the federal funds used for initial fabrication and installation if the sign is removed.

### *Signing Incentives Program*

The Commerce Cabinet has secured federal Transportation Enhancement (TE) funds to assist local governments with the cost of tourist sign fabrication and installation. Through the Signing Incentives Program, TE funds may provide up to 80% of the cost of fabrication and installation. To be eligible for the Program, an attraction must either provide documentation of previous or current TE Project or meet all the criteria set forth in the TE Program. To be eligible, the attraction must establish a relationship to surface transportation and meet the criteria of at least one of 12 eligible categories. The OSP will determine whether an attraction is eligible, and may consult with the Kentucky Division of the Federal Highway Administration (FHWA). Additional information on the TE Program can be found by visiting [www.tea21.ky.gov](http://www.tea21.ky.gov). The Signing Incentives Program funds are administered by the Transportation Tourism Interagency Committee.

Sponsors may not apply for the Signing Incentives Program for maintenance activities.

### [Property Management](#)

Any attraction which operates on a seasonal basis or is closed in excess of thirty (30) days shall make provisions to remove or cover the attraction's sign during the off season. The Department of Highways District Office shall be notified in writing at least thirty (30) days before the opening or closing occurs and proper arrangements made to remove or cover the sign or signs. Failure to provide sufficient notification may result in attraction becoming ineligible due to not maintaining regular and reasonable hours of operation, and sign will be removed. The sponsor may be required to pay labor costs of sign removal or covering.

The OSP may conduct continuing eligibility reviews. Any attraction not in compliance with state and federal laws and guidelines will be considered ineligible and existing signs will be removed at the cost of the sponsor.

### [Fabrication, Installation, and Maintenance of Limited Supplemental Guide Signs](#)

Limited Supplemental Guide Signs are installed by the Cabinet's statewide contractor. The signs should be installed within 4 months from date of contract execution if trailblazing signs are in place. The government sponsor will be billed following inspection of the sign, and may elect to pay \$500 per sign per year for a period of 10 years, or the entire cost of the signs amortized over a period of 10 years. If the signs require maintenance activities, The sponsor is responsible for maintenance of the sign, and will be required to pay all associated costs. This includes but is not limited to removal or replacement of faded or dilapidated signs, or necessary repairs due to collisions. The sponsor is responsible for ensuring the attractions remain in compliance with all federal, state, and local laws and guidelines. This includes eligibility based on hours of operation, appropriate facilities for the activity, etc.

### [Fabrication, Installation, and Maintenance of Cultural & Recreational Guide Signs](#)

The KYTC currently offers statewide contractors to install signs at competitive rates. These signs are installed using Type I posts in concrete with a Type "D" break-a-way system. This installation method ensures that the sign will require reduced maintenance and assists in the uniformity of these type signs across the state.

Government sponsors may elect to utilize an outside contractor or city/county forces to fabricate and install the signs. The approved encroachment permit requires the following requirements must be met:



### Sign Composition

The signs must be rectangular in shape and have a white legend and border on a brown background. Signs shall not exceed seventy-two (72) inches wide and eighteen (18) inches tall. Reflective legends, arrows, backgrounds and borders must be used to standards defined by the Manual on Uniform Traffic Control Devices (MUTCD). The sign must contain the name of the attraction in not more than two (2) lines of legend which shall not include promotional advertising. The maximum length of the legend shall be five (5) feet and four (4) inches per line. The standard lettering shall be in upper case letters of the type provided in "The Standard Alphabets for Highway Signs" book published in 1966 by the U.S. Department of Transportation. Capital letters shall be six (6) inches in height. Each sign shall have a separate directional arrow as set forth in Section 2D-8 of the MUTCD. The distance to the attraction or attraction may be shown beneath the arrow. The directional arrow with the distance to the attraction underneath shall not exceed twelve (12) inches wide and sixteen (16) inches tall. Arrows pointing to the right must be placed at the extreme right of the sign, and arrows pointing to the left or up must be placed at the extreme left of the sign. Signing for attractions in the AHEAD direction shall be considered only if there is signing for a similar facility in either the right or left direction, through traffic is not the normal traffic pattern, or the visibility of the establishment is obscured until a motorist is within 800 feet of the entrance. There shall be a one (1) inch white border surrounding the sign and separating the directional arrow and legend. There shall be a one (1) inch spacing between the border and legend and two (2) inch spacing between lines of legend.

Advance information panels may be installed only in situations where sight distance, intersection vehicle maneuvers, or other vehicle operation characteristics require advance notification of the attraction to reduce vehicle conflicts and improve highway safety. The last of the advance information panels to be driven past shall be located at least one-half (1/2) mile from the intersection. The appropriate legend "NEXT RIGHT", "NEXT LEFT", or "AHEAD" in letters of the same size as legends shall be placed on the sign. Directional arrows and distance shall be omitted. The legend "RIGHT X MILE" or similarly worded legend may only be used if there are intervening minor roads.

In areas of reduced speeds of forty-five (45) mph or less the size of the sign and lettering may be reduced at the discretion of the State Highway Engineer's Office. The sponsor must request an exemption for reduced sized lettering or signage. Location and terrain of the area will be reviewed and taken into consideration. This will be determined during review of the encroachment permit application.

## Installation Requirements

Information panels shall be located to take advantage of natural terrain, have the least impact on the scenic environment, and to avoid visual conflict with other signs within the highway right-of-way. Information panels shall not obstruct the driver's critical viewing of other traffic control devices. Information panels shall not be erected on interstates or parkways, on interstate or parkway on or off ramps, or where there is insufficient space to locate both other traffic control devices and the information panels. Information panels shall not be installed such that signs direct traffic onto an interstate or parkway.

Each information panel shall contain no more than four (4) signs arranged vertically, all the same width. In the direction of traffic, the order of placement for separate information panels shall be for facilities to the left, to the right and straight ahead. Information panels shall be located so that the right turn signs are closer to the intersection. If no more than four (4) signs are to be installed on an intersection approach information panel, the signs may be combined on the same information panel with the signs for left turns placed above the signs for right turns. Information panels may be erected on the approach to an intersection on a public road. Information panels shall be located at least 200 feet from the intersection except for Advance Information Panels, and shall be spaced at least 200 feet from any other traffic control device (including another information panel). These spacing requirements may be waived by the State Highway Engineer's Office if, based on sound engineering judgment, it is determined that the intersection can safely accommodate the reduced spacing.

Unprotected information panel supports located within the clear zone shall be of a breakaway design. An information panel may be located laterally outside the normal longitudinal alignment of other traffic control signs, but shall be erected within the highway right-of-way. The location of any other traffic control device shall at all times take precedence over the location of an information panel. Clearance of panels should be governed by Sections 2A and 2D of the MUTCD.

If these requirements are not met, the installation will be considered in violation of the encroachment permit as approved. The sponsor will be responsible for ensuring the specifications are met or the signs will be removed.

## Maintenance

The sponsor is responsible for maintenance of the sign. This includes but is not limited to removal or replacement of faded or dilapidated signs, or necessary repairs due to collisions. The sponsor is responsible for ensuring the attractions remain in compliance with all federal, state, and local laws and guidelines. This includes eligibility based on hours of operation, appropriate facilities for the activity, etc.

## [Additional Requirements](#)

### [Americans with Disabilities Act](#)

A commitment shall be made to comply with ADA accessibility requirements.

ADA Information Lines: 800-514-0301 (voice) 800-514-0383 (TDD)

The Transportation Cabinet shall not be responsible for business lost due to signs or information panels becoming temporarily out of service.

### [Contact Information](#)

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### Safety Planner

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